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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

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U. S. Department of Agriculture

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

30001-30050

[Approved by the Acting Secretary of Agriculture, Washington, D. C., March 29, 1939]

30001. Misbranding of Chewing Laxative and Cold Tablets. U. S. v. 77 Cartons of Chewing Laxative and 98 Cartons of Cold Tablets. Default decrees of condemnation and destruction. (F. & D. Nos. 43637, 43638. Sample Nos. 22340-D, 22341-D.)

The labeling of these products bore false and fraudulent curative and therapeutic claims and other misrepresentations.

On September 7 and 8, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of the above-named drug products at Chicago, Ill.; alleging that the articles had been shipped in interstate commerce on or about July 20, 1938, by Peltz-Kauffer Co., Inc., from South Bend, Ind.; and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled: "Blackstone's Tru Laxative Bromides Quinine Cold Tablets"; and "Tru-Lax Mint Flavored Chewing Laxative."

Analysis showed that the cold tablets consisted of acetanilid (1.5 grains per tablet), quinine, bromides, and a laxative plant drug; and that the Chewing Laxative contained phenolphthalein (1 grain per piece), gum, sugar, and flavoring material.

The Chewing Laxative was alleged to be misbranded in that the statement "Just like your favorite gum for all the world just for pleasure," appearing in the circular, was false and misleading since it represented that the article was just like your favorite gum; whereas it was not since it contained phenolphthalein. It was alleged to be misbranded further in that the following statements in the labeling regarding its curative or therapeutic effects were false and fraudulent; (Retail carton) "Tru-Lax * * * laxative assimilated with the saliva will cause your bowels to function without any griping or distressing feeling"; (display carton) "For Constipation A Pleasant Laxative for Children * * * Use it For Your Health's Sake"; (circular) "Its laxative reaction is quick, generous and inevitable. * * * gentle, smooth and without upsetting symptoms or distressing upset to the stomach. * * * Get the habit of chewing Tru-Lax every day so you will help eliminate the causes of constipation." The article also was alleged to be misbranded in violation of the Federal Food, Drug, and Cosmetic Act.

The cold tablets were alleged to be misbranded in that the statement "Quinine in this form does not affect the head," appearing on the box and in the circular, was false and misleading since it represented that the article would not affect the head; whereas it would affect the head. It was alleged to be misbranded further in that the following statements in the labeling regarding its curative or therapeutic effects were false and fraudulent: (Box) "These tablets are an ideal preparation for * * * coughs and the gripe. The second and third dose will alleviate the feverish conditions * * * Take the tablets sufficiently to keep the bowels open freely until relief sets in"; (display carton) "For Coughs, * * * For Your Health's Sake For * * * La Grippe"; (circular) "These tablets are an ideal preparation for * * *

Coughs; Headaches and the La Grippe. The second or third dose will alleviate the feverish conditions * * * Take the tablets until the bowels open freely, and relief sets in [similar statements in foreign languages]."

On November 15 and 29, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30002. Adulteration and misbranding of Juvenol. U. S. v. 125 Bottles of Juvenol. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 43981. Sample No. 39534-D.)

The labeling of this product bore false and fraudulent representations regarding its curative and therapeutic effects, and false and misleading representations regarding its constituents.

On September 30, 1938, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 125 boxes of Juvenol at Portland, Oreg.; alleging that the article had been shipped in interstate commerce on or about April 11, 1938, by the Himalayan Research Laboratories from Santa Monica, Calif.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of mineral oil (approximately 27 percent) and fatty oils including castor oil.

The article was alleged to be adulterated under the provisions of the law applicable to drugs in that its strength and purity fell below the professed standard or quality under which it was sold, namely, (label) "Made from Choice Almonds, Pecan Nuts, Olives, Castor Oil Seeds and Peach Kernels," (circular headed "Juvenol," a supply of which was furnished the consignee by the consignor) "An ancient Himalayan Remedy (Himalayan Oil) made from choice nuts, seeds and fruit kernels," since it contained a substantial proportion of mineral oil.

It was alleged to be misbranded under the general paragraph applicable to foods and drugs in that the statements in the labeling, "A Rejuvenating Himalayan Remedy made from Choice Almonds, Pecan Nuts, Olives, Castor Oil Seeds and Peach Kernels * * * Can be Used as a Salad Dressing," were false and misleading when applied to an article that contained a substantial proportion of mineral oil and that was not suitable for use as a salad dressing. It was alleged to be misbranded further under the provisions applicable to drugs in that the following statements regarding its curative or therapeutic effects were false and fraudulent: (Bottle label) "'Juvenol' * * * A Rejuvenating Himalayan remedy, * * * Excellent for Kidney Stones, Gall Stones * * * Indigestion Obesity Colitis Rheumatism and all other complaints of the Liver, Spleen and Kidneys * * * Two tablespoonfuls a day will keep you fit and healthy." It was alleged to be misbranded further under the provisions of the law applicable to foods in that it was labeled, "Made from choice Almonds, Pecan Nuts, Olives, Castor Oil Seeds and Peach Kernels * * * Can be used as a Salad Dressing," so as to deceive and mislead the purchaser since it contained a substantial proportion of mineral oil and was not suitable for use as a salad dressing.

On November 14, 1938, J. C. Baird having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30003. Adulteration and misbranding of sandalwood oil. U. S. v. 7 Boxes, each containing 100 capsules of Sandalwood Oil. Default decree of condemnation and destruction. (F. & D. No. 44220. Sample No. 27125-D.)

This product failed to conform to the standard laid down in the United States Pharmacopoeia because of the presence of a terpineol, an added adulterant.

On October 22, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 7 boxes, each containing 100 capsules of sandalwood oil at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about July 7, 1938, by the Grape Capsule Co. from Allentown, Pa.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, namely, "Sandalwood Oil," and it differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia, and its own standard of strength, quality, and purity was not stated upon the label. It was alleged to be adulterated further in that its purity fell below the professed standard and quality under which it was sold, namely, "Pure East India Sandalwood Oil U. S. P.," since it was not a volatile oil distilled with steam from the dried heartwood of *Santalum album* Linné in that it contained a terpineol, an added adulterant.

It was alleged to be misbranded in that the statement on the label, "Pure East India Sandalwood Oil U. S. P.," was false and misleading; and in that it was an imitation of and was offered for sale under the name of another article.

On November 28, 1938, no claimant having appeared, judgment of condemnation was entered, and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30004. Misbranding of Hessel's Oil. U. S. v. 6 Packages and 2 Packages of Hessel's Oil. Default decree of condemnation and destruction. (F. & D. No. 43905. Sample No. 25498-D.)

This product bore on its labeling statements and a device regarding its curative and therapeutic effects which were false and fraudulent.

On September 21, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight packages, in various sizes, of Hessel's Oil at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about June 9, 1938, by Vita Laboratories from Philadelphia, Pa.; and charging misbranding in violation of the Food and Drugs Act as amended.

An analysis showed that the article consisted essentially of peppermint oil.

The article was alleged to be misbranded in that the statement on the bottle label, "Hessel's Oil An Aid To The Home Infirmary Hospital" and the statements upon the carton "C. B. Hessel's Oil An Aid To The Home Infirmary Hospital" and "After rubbing, stay in a warm room for some time, covering the afflicted parts with a towel," and the word "Vita," constituting a part of the firm name, appearing upon both the bottle label and the carton, were false and fraudulent in that they meant to the purchaser that the article was a remedy for asthma, diarrhea, earache, hay fever, heart condition, hemorrhoids, inflammations, infections, lumbago, rheumatism, arthritis, sinus disorders, sleeplessness (insomnia), stomach and bowel trouble, and paralytic stroke, having acquired such meaning as a result of statements made in a circular entitled "Hessel's Oil The World's Finest Universal Home Remedy!" as set forth in circulars sent by the shipper to the consignee on or about March 5 and June 16, 1938.

On November 3, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30005. Adulteration and misbranding of Barbetigo. U. S. v. Wilford H. Pyott (Barbetigo Co.). Plea of guilty. Fine, \$100. (F. & D. No. 42595. Sample No. 11718-D.)

The labeling of this product bore false and fraudulent representations regarding its curative and therapeutic effects, and false and misleading representations regarding its effectiveness as a disinfectant and germicide.

On November 26, 1938, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Wilford H. Pyott, trading as the Barbetigo Co., at Salt Lake City, Utah, alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about September 24, 1937, from the State of Utah into the State of Idaho of a quantity of Barbetigo that was adulterated and misbranded.

Analysis showed that the article consisted of water and 18.2 grams per 100 cubic centimeters of zinc sulfate. Bacteriological examination showed that it was ineffective as a germicide or antiseptic.

The article was alleged to be adulterated in that its strength fell below the professed standard under which it was sold in that the statement on the label, "Germicide," represented that it was of the standard of strength of a germicide; whereas it was ineffective as a germicide.

Misbranding was alleged in that the statement on the label, "A powerful Germicide," and the statements in a circular shipped with the article, "The perfect germicide and antiseptic Barbetigo is a perfect germicide and antiseptic because it is strong enough to kill the most hardy and resistant types of pathogenic bacteria, yet is not injurious to the skin and mucous membranes. Tests in the laboratory show that Barbetigo has almost half the germ killing power of phenol, more commonly known as Carbolie Acid, which is the standard for testing all antiseptics. Barbetigo kills such pathogenic bacteria as staphylococcus aureus, bacillus anthracis, and streptococcus pneumonia, in less than five minutes, while a 10 per cent solution of Barbetigo kills these germs in less than twenty minutes. Barbetigo may be used wherever or whenever an antiseptic is needed," were false and misleading since the article was ineffective either as a germicide or as an antiseptic.

It was alleged to be misbranded further in that certain statements in the labeling regarding its curative and therapeutic effects falsely and fraudulently represented that it was effective in the treatment of impetigo, barber's itch, pyorrhea, sore throat, etc.; that it was effective in the most severe infections, impetigo, barber's itch, ringworm, trench mouth, pyorrhea, tonsillitis, "mucous membrane," ailments which are caused by germs, and athlete's foot, that it was capable of killing the germs of impetigo, barber's itch and other germ diseases, that its action in killing germs was rapid; that it was effective in killing the infection of impetigo immediately, of curing such infection in 3 minutes, of giving relief at once, and of curing impetigo within a short time, of healing barber's itch rapidly, of stopping the progress of ringworm immediately, and curing it in 2 days, of curing athlete's foot in 2 days, of curing tonsillitis in a few days, of curing an infection of the throat in 1 day, of checking the progress of pyorrhea and initiating a process of cure thereof upon the beginning of use, of curing pyorrhea by one or two rounds of treatment, of curing leucorrhea from its germicidal action when used in a vaginal douche, and of curing cold sores, scabies, or any skin affection of germ or parasitic origin.

On December 3, 1938, a plea of guilty was entered by the defendant and the court imposed a fine of \$100.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30006. Misbranding of Trainer's Famous Oil and Kane's Gen-Sen. U. S. v. 89 Bottles of Trainer's Famous Oil and 195 Packages of Kane's Gen-Sen. Default decrees of condemnation and destruction. (F. & D. Nos. 43118, 43110. Sample Nos. 23080-D, 23081-D.)

The labeling of these products bore false and fraudulent representations regarding their curative and therapeutic effects and that of Trainer's Famous Oil bore false and misleading claims that it consisted of rattlesnake oil and that it had been approved by the Government and complied with the law.

On August 2, 1938, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 89 packages of Trainer's Oil and 195 packages of Kane's Gen-Sen; alleging that the articles had been shipped in interstate commerce, the former on or about February 25, 1938, and the latter on or about May 24, 1938, by Kane Laboratories from Portland, Oreg.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that Trainer's Famous Oil consisted essentially of gasoline, mustard oil, menthol, and turpentine oil; and that the Gen-Sen consisted essentially of senna leaves, sassafras bark, licorice root, and sodium bicarbonate.

Trainer's Famous Oil was alleged to be misbranded in that the statement "Formerly known as rattlesnake oil," borne on the label, represented that the article was rattlesnake oil; whereas it was not rattlesnake oil, but consisted essentially of gasoline, mustard oil, menthol, and oil of turpentine. It was alleged to be misbranded further in that the statement, "Guaranteed * * * to comply with Pure Food and Drug Laws," appearing in the circular, was false and misleading since it created the impression that the article had been examined and approved by the Government, that the Government guaranteed that it complied with the law, and that it did so comply; whereas it had not been approved, was not guaranteed by the Government, and did not comply with the law. It was alleged to be misbranded further in that the following statements in the label regarding its curative and therapeutic effects were false and fraudulent: (Bottle label) "Proved In Most Severe Tests * * * For * * * Swollen Limbs, * * * Pains, Aches, Rheumatism, * * * Lum-bago, Neuralgia, * * * Hay Fever and General Ailments. * * * highly

penetrative"; (circular) " * * * the most penetrating * * * Gives immediate relief to all sufferers of Paralysis, Rheumatism, Deafness, Lumbago and all aches and pains, stiff joints and contracted muscles. * * * on account of its quick healing curative properties. * * * There is something mysterious and wonderful about the virtue and quick healing powers * * * It is invaluable to sufferers of cancerous growth, running sores, varicose veins, * * * headaches, neuralgia, toothache * * * sore throat, catarrh, and lung troubles * * * It Saves Hours of Suffering * * * For Rheumatism, Neuralgia, * * * Swellings, * * * Lumbago, Paralysis, Pleurisy and all unnatural growths, rub in briskly to the parts affected twice daily or until pain is relieved. For those suffering with * * * Cold in Chest, Hay Fever, Asthma or Bronchial Affections of the Throat and Lungs, it is worth its weight in gold. Apply to the throat and lungs * * * Applied to the limbs, it will reduce inflammation, swelling, limbers stiff joints, contracted cords and muscles." For deafness or earache, massage or bathe around the ear."

The Gen-Sen was alleged to be misbranded in that the following statements appearing on the label, regarding its curative or therapeutic effects, were false and fraudulent: "For Stomach, Kidneys, Liver, Blood, Intestinal Activator * * * and General * * * Tonic."

On December 5, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30007. Adulteration and misbranding of gauze bandage. U. S. v. 10 Gross of Gauze Bandage. Default decree of condemnation and destruction. (F. & D. Nos. 44502, 44503. Sample Nos. 42073-D, 42074-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be contaminated with viable micro-organisms. It was labeled to indicate that it was sterile and was safe and appropriate for use in conditions requiring the use of sterile bandages.

On December 13, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 gross of gauze bandages at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce on or about September 16, 1938, by Dermay, Inc., from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its purity fell below the professed standard or quality under which it was sold, namely, (carton of portion) "Doctors and Nurses Sterile Gauze Bandage," (carton of remainder) "Physicians and Surgeons Gauze Bandage," which statements created the impression that the article was sterile and was safe and appropriate for use in conditions requiring sterility; whereas it was not sterile and was not safe and appropriate for such use because it was contaminated with viable micro-organisms.

It was alleged to be misbranded in that the following statements in the labeling were false and misleading when applied to an article that was not sterile: (Carton of portion) "Doctors and Nurses Sterile Gauze Bandage * * * Sterile Gauze Bandage" and design showing nurse in white uniform (carton of remainder) "Physicians and Surgeons Gauze Bandage," together with design of a surgeon in white uniform.

On January 3, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30008. Adulteration and misbranding of formalized pyoktanin catgut and plain pyoktanin catgut. U. S. v. Six Packages of Formalized Pyoktanin Catgut (and four other seizure actions against the same product). Decrees of condemnation. Product ordered destroyed with exception of a part of one lot. (F. & D. Nos. 44014, 44019, 44053, 44064, 44367. Sample Nos. 15674-D, 15675-D, 15982-D to 15985-D, inclusive, 22252-D, 22253-D, 27711-D, 33236-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages, at the time of examination was found to be contaminated with viable micro-organisms. It was sold as formalized pyoktanin catgut, which implied that it was sterile.

On September 28 and 30, October 5 and 9, and November 19, 1938, the United States attorneys for the Eastern District of Wisconsin, Western District of Tennessee, Northern District of Illinois, Western District of Oklahoma, and the District of Nebraska, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 44 dozen sutures in various lots at Milwaukee, Wis., Memphis, Tenn., Chicago, Ill., Oklahoma City, Okla., and Lincoln, Nebr.; alleging that the article had been shipped in interstate commerce within the period from on or about April 1, 1938, to on or about August 12, 1938, by the Laboratory of the Ramsey County Medical Society from St. Paul, Minn.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its purity fell below the professed standard or quality under which it was sold, namely, "Formalized Pyoktanin Catgut" and "Pyoktanin Catgut," which standard implies sterility of the product; whereas it was not sterile.

It was alleged to be misbranded in that the statements, "Formalized Pyoktanin Catgut [or "Pyoktanin Catgut"] * * * Directions:—Tear the envelope and drop the contents into a sterile solution: soak the strand before application to make it pliable and to prevent breaking at the knot," were false and misleading, since they created the impression that the article was sterile catgut suitable for surgical use; whereas it was catgut contaminated with viable microorganisms and was unsuitable for surgical use.

Between the dates of November 4 and December 6, 1938, the consignee of the lot seized at Lincoln, Nebr., having consented to the entry of a decree and no claim having been entered in the other cases, judgments of condemnation and destruction were entered. The decree condemning the lot seized at Oklahoma City, Okla., provided, however, that the part of the goods seized which examination had shown to be free from contamination, be delivered to the owner.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30009. Misbranding of Hetone and Astone Tablets. U. S. v. 18 Bottles of Hetone (and 1 other seizure action). Default decrees of condemnation and destruction. (F. & D. Nos. 43960, 43961. Sample Nos. 30256-D, 30270-D, 30271-D.)

The labeling of these products bore false and fraudulent curative and therapeutic claims.

On September 23 and October 8, 1938, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 6 dozen bottles of Hetone at Atlantic City, N. J., and 138 bottles of Hetone and 6 packages of Astone Tablets at Trenton, N. J.; alleging that the articles had been shipped in interstate commerce on or about August 19 and 26, 1938, by Astone Products Co. from Lansdale, Pa.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the Hetone consisted essentially of boric acid, ephedrine, and a small amount of chlorbutanol dissolved in water; and that the Astone consisted essentially of cornstarch, sugar, and plant material including ephedrine.

The Hetone was alleged to be misbranded in that the bottle label, carton, and circular bore false and fraudulent representations regarding its curative and therapeutic effectiveness in the treatment of the eyes, nose, mouth, and throat; its effectiveness in the treatment of hay fever and catarrh, and as a relief from nasal congestion associated therewith; its effectiveness to give comforting, soothing temporary relief in nasal congestion associated with hay fever and head colds, and as a relief from watering, smarting, bloodshot conditions; its effectiveness to ease the tired feeling resulting from wind, dust, or exposure to the sun, as an instant relief for nose and eyes and as a relief for sinus and other forms of nasal trouble; and its effectiveness to clear the nasal passages and to soothe the inflamed membranes within a few minutes.

The Astone Tablets were alleged to be misbranded in that the bottle label and carton and circular bore false and fraudulent representations regarding their curative and therapeutic effectiveness in the treatment of asthma, bronchitis, chronic coughs, la grippe, and whooping cough.

On October 28 and November 3, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30010. Adulteration and misbranding of tincture of iodine. U. S. v. Dermay Perfumers, Inc. Plea of guilty. Fine, \$100. (F. & D. Nos. 38629, 39743. Sample Nos. 1026-C, 6627-C, 15938-C, 22545-C, 22699-C.)

This product was sold under a name recognized in the United States Pharmacopoeia, but contained a smaller amount of iodine than required by that authority.

On August 18, 1938, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court an information against Dermay Perfumers, Inc., New York, N. Y., alleging shipment by said company in violation of the Food and Drugs Act within the period from on or about September 11, 1935, to on or about January 19, 1937, from the State of New York into the States of Mississippi, Georgia, and Florida, of quantities of tincture of iodine that was adulterated and misbranded. A portion of the article was labeled: (Bottle) "U. S. P. Tincture Iodine * * * Tip Top Products Co., New York, Chicago [or "Liberty Products Co., Erie, Pa.]" ; (carton) "Tincture of Iodine U. S. P., Double strength." The remainder was labeled: "U. S. P. Tincture Iodine * * * First Aid Prod. Corp., N. Y."

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia but differed from the standard of strength, quality, and purity as determined by the test laid down therein since it contained less than 6.5 grams of iodine per 100 cubic centimeters; whereas the pharmacopoeia provides that tincture of iodine shall contain not less than 6.5 grams of iodine per 100 cubic centimeters, and the standard of strength, quality, and purity of the article was not declared on the container.

Misbranding was alleged in that the following statements in the labeling, (bottles, all lots) "U. S. P. Tincture Iodine," (cartons, one lot) "Tincture of Iodine U. S. P., Double Strength," (cartons, remaining lots) "U. S. P., Tincture (nc) Iodine," were false and misleading in that they represented that the article was tincture of iodine which conformed to the standard laid down in the United States Pharmacopoeia; whereas it did not conform to the standard laid down in the pharmacopoeia for tincture of iodine, nor for tincture of iodine double strength.

On November 7, 1938, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30011. Adulteration and misbranding of Q-Tips. U. S. v. 1 Gross of Q-Tips (and 2 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 42477, 43409, 43183. Sample Nos. 17360-D, 33665-D, 33670-D.)

This product was represented to consist of boric-tipped, sterilized swabs. It contained, however, but a trace of boric acid or other borate and when examined, was contaminated with viable micro-organisms. A circular shipped with two of the lots bore false and fraudulent representations regarding its curative and therapeutic effects, and other misrepresentations.

On May 27, August 1, and August 20, 1938, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1 gross and 366 packages of Q-Tips at Baltimore, Md.; alleging that the article had been shipped in interstate commerce within the period from on or about March 19, 1938, to on or about July 22, 1938, by the John M. Maris Co. from Philadelphia, Pa.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Adulteration was alleged in that the strength and purity of the article fell below the professed standard and quality for which it was sold, namely, (carton, one lot) "Boric Tipped," (leaflet, same lot) "Sterilized * * * Q-Tips are * * * sterilized * * * They are tipped * * * with * * * sterilized cotton and tipped with boric acid," and (carton, remaining lots) "Boric Tipped * * * Safe and Sanitary, Sterilized," since the article was not sterile and contained but an inconsequential amount of boric acid or other borate.

Misbranding was alleged in that the statements (cartons, all lots) "Boric Tipped Safe and Sanitary," (leaflet, two lots) "Sterilized—Safe—Sanitary swabs * * * Q-Tips are * * * Sterilized They are tipped * * * with * * * sterilized cotton and tipped with boric acid. The cellophane wrapper protects Q-Tips from germs," were false and misleading. The product contained in two of the shipments was alleged to be misbranded further in that

the following statements appearing in a circular shipped with it were false and misleading in that they would lead the purchaser to believe that the article was safe and appropriate for use as recommended; whereas it was not safe and appropriate to use as recommended. * * * Safe—Sanitary Swabs 100 Aids To Health * * * Home-made swabs are dangerous, unsanitary and often carry infection. For the uses described in this folder, doctors recommend Q-Tips. Q-Tips are applicators, * * * sterilized. They are tipped at both ends with prepared swabs of * * * sterilized cotton and tipped with boric acid * * * To safe-guard your family, keep Q-Tips in your medicine cabinet and in the nursery. For the Nursery. The use of Q-Tips (endorsed * * *) safe-guards baby's health * * * Cleansing Baby's Nose: Dip Q-Tip in liquid albolene, insert it only into the lower, expanded part of the nostril and twirl gently several times. Use the opposite end for the other nostril. Cleansing Eyes: For removing hardened mucus, moisten a Q-Tip with boric acid solution and wipe away gently. For daily cleansing of eyes, pour a weak boric acid solution on the Q-Tip and let it drip gently into the corner of the eye. * * * Other Cleansing: For uncircumcised babies, have your doctor show you how to preserve scrupulous cleanliness. Q-Tips should always be used for washing, drying and applying vaseline. * * * Intertrigo: Lying on soiled diapers causes this irritation of thighs and buttocks. Wash and dry the skin and use Q-Tip to apply zinc ointment generously to inflamed spots * * * Nursing Mothers: Before and after nursing, soak Q-Tip with saturated boric acid solution fresh from the bottle and wash each nipple. Never touch nipple with infection to the tender skin surface and tend to spread it. Q-Tips protect and preserve a clear, smooth skin. * * * Blackheads: Cleanse face, apply hot wet cloths to open pores, gently press blackheads out. Then dash on cold water and apply witch hazel with a Q-Tip. * * * Cracked Lips: Apply with Q-Tip a cream made of ½ ounce each of glycerine and lanolin * * * Health Helps Q-Tips are ideally clean * * * Blisters: * * * Prick the blister, apply zinc oxide with Q-Tip * * * bleeding: To stop oozing of blood from small cuts, moisten Q-Tip, dip into powdered alum and apply * * * Cold Sores: Apply zinc ointment with a Q-Tip. * * * Facial Eruptions: Apply with Q-Tips, lotion or ointment prescribed by your doctor. Do not use fingers. Frost Bites or Chilblains: Apply ichthyol ointment with Q-Tip. Granulated Eyelids: Moisten Q-Tip and cleanse margin of lids gently * * * Nose Bleed: Insert just within nostril, end of Q-Tip soaked in strong alum solution and press against partition between nostrils for several minutes. Nose Colds: To relieve tickling and discomfort: lubricate each nostril with vaseline or nasal jelly recommended by doctor. Apply by twirling Q-Tip gently. Shaving Cuts: Apply powdered alum with moistened Q-Tip. Do not use alum stick. Sore Nipples: Cleanse with boric acid solution and use other end of Q-Tip for applying glycerine. * * * Gum Boils: Dry inflamed spot with Q-Tip. Dip other end in strong alum solution and apply. * * * Spongy Gums: Apply with Q-Tip myrrh full strength."

The product contained in the two shipments was alleged to be misbranded further in that the statements above-quoted were statements regarding the curative and therapeutic effects of the article, and were false and fraudulent in that they represented that the article was safe and appropriate when used as directed for the conditions recommended; whereas it was not safe and appropriate for the conditions recommended when used as directed.

A claim having been entered in the case involving 1 gross of the product, but later having been withdrawn and no claim or answer having been filed in the remaining cases, on October 18 and December 1, 1938, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30012. Adulteration and misbranding of Kinney's Yeast Extract. U. S. v. 718 Bottles of Kinney's Yeast Extract. Default decree of condemnation and destruction. (F. & D. No. 40638. Sample No. 65501-C.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages, was found at the time of examination to contain less than one-half the amount of vitamin B (B₁) declared on the label.

On November 1, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 718 bottles of Kinney's Yeast Extract at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce on or about October 11 and 16, 1937, by Scientific Sugars

Co., of Granite City, Ill., from East St. Louis, Ill.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration was alleged in that the strength and purity of the article fell below the professed standard under which it was sold, namely "Potency Per c. c. 25 Vitamin B (B₁) International Units," since it contained less than 25 vitamin B (B₁) International Units per cubic centimeter.

Misbranding was alleged in that the following statements appearing on the label were false and misleading when applied to an article that contained less than 25 vitamin B (B₁) International Units per cubic centimeter "Biologically Standardized * * * Potency per c. c. 25 Vitamin B (B₁) International Units."

On December 16, 1938, the case having been called and no claimant having appeared at that time, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30013. Adulteration and misbranding of Biural Fitch. U. S. v. 25 Packages of Biural Fitch. Default decree of condemnation and destruction. (F. & D. No. 44179. Sample No. 34304-D.)

This product was labeled to indicate that it was a solution of phenobarbital sodium suitable for parenteral administration; whereas it contained suspended crystalline material rendering it unsuitable for such purpose.

On October 17, 1938, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 packages of Biural Fitch at Washington, D. C.; alleging that the article had been shipped in interstate commerce on or about July 19, 1938, by William A. Fitch, Inc., from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its purity fell below the professed standard or quality under which it was sold, namely, (carton) "Ampuls * * * Each 2cc represents phenobarbital sodium 0.13 Gm. (2 grs.)," which created the impression that the article contained a solution of phenobarbital sodium suitable for parenteral administration; whereas it contained a considerable proportion of suspended crystalline matter rendering it unsuitable for such purpose.

Misbranding was alleged in that the statements on the carton and ampul, "Each 2cc represents phenobarbital sodium 0.13 gm. (2 grs.)," was false and misleading when applied to a preparation which was not a clear solution but contained a material amount of suspended crystalline material. It was alleged to be misbranded further in that it was offered for sale under the name of another article, namely, "Ampuls * * * Phenobarbital sodium 0.13 Gm. (2 grs.) Stabilized," that is, a solution of phenobarbital sodium suitable for parenteral administration.

On December 15, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30014. Misbranding of Oxylin Greaseless Ointment. U. S. v. 16 Large and 24 Small Packages of Oxylin Greaseless Ointment. Default decree of condemnation and destruction. (F. & D. No. 44235. Sample No. 41901-D.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On October 25, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 packages of Oxylin Greaseless Ointment at Trenton, N. J.; alleging that the article had been shipped on or about May 7 and September 29, 1938, by Evons Laboratories from Drexel Hill, Pa.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of small amounts of oxyquinoline sulfate, ethyl amino benzoate, camphor, menthol, and eucalyptol incorporated in a base of glycerin and potassium stearate.

Misbranding was alleged in that the following statements in the labeling regarding the curative or therapeutic effects of the article were false and fraudulent: (Carton and bottle) "Recommended for relief of skin irritations due to external causes, * * * burns * * * cosmetic skin, textile and

leather infections, [carton only, "acne, eczema"] * * * sore * * * feet * * * gum massage for sore mouth * * * reduces danger of infection"; (circular) "Skin Poisons * * * Silk and Dye Poisons * * * Leg Sores * * * Cosmetic Skin * * * Bleeding Gums, Sore Mouth * * * Hay Fever, Sinus Infection * * * possesses remarkable properties for prompt relief and permanent results in treatment of skin and membrane difficulties. * * * promotes rapid healing generally without a scar * * * For larger burns and scalds * * * Eczema, Impetigo * * * Be patient in chronic cases, remember it takes time to be really effective. * * * Your best protection against a possible infection * * * Dye, Leather and Textile Poisons This form of skin poison is very prevalent among workers in silk and textile mills, attacking the hands and spreading to other portions of the body. This disease is known as a fungoid infection. Most cases respond to Oxylin Ointment alone. For severe conditions, treat as follows: * * * seeing that the solution reaches all infected portions. * * * Hay Fever * * * [in foreign languages] * * * dry eczema, eruptions * * * In serious cases."

On December 8, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30015. Misbranding of Eetola. U. S. v. Kaelas Chowdhury (Aryan Herb-Tonics Co.). Plea of nolo contendere. Fine, \$50 and costs. (F. & D. No. 42581. Sample Nos. 34325-C, 50364-C.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On September 30, 1938, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Kaelas Chowdhury, trading as the Aryan Herb-Tonics Co., at Gary, Ind., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about May 25 and December 7, 1937, from the State of Indiana into the State of Illinois of quantities of Eetola which was misbranded.

Analysis showed that the article consisted essentially of extracts of plant drugs including hydrastis; volatile oils including oil of sandalwood, oil of cubeb, and balsam copaiba; and water.

The article was alleged to be misbranded in that certain statements on the bottle label regarding its curative and therapeutic effects falsely and fraudulently represented that it was effective to cure chronic gonorrhea, stricture, prostate trouble, bladder infection, urethral infections, white and yellow discharge, burning urination, pain under the abdomen of men and women, kidney infection, weak manhood; and that it was a scientific preparation of tonic efficacy.

On November 22, 1938, the defendant entered a plea of nolo contendere and the court imposed a fine of \$50 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

20016. Misbranding of Celium. U. S. v. 16 Packages of Celium. Default decree of condemnation and destruction. (F. & D. No. 43847. Sample No. 31518-D.)

The labeling of this product bore false, misleading, and fraudulent representations that the article embraced a new and important advancement in the progress of the chemistry of medicine, that it was nontoxic and could be tolerated by those who could not tolerate aspirin, aminopyrine, and cinchophen, since it consisted of a simple mixture of well-known but dangerous drugs.

On September 14, 1938, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 packages of Celium at Youngstown, Ohio; alleging that the article had been shipped in interstate commerce on March 4, 1938, by the Frederick Newton Chemical Co. from Detroit, Mich.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article contained in each tablet: Methenamine (hexamethylenamine), 1.6 grain of aminopyrine (amidopyrine), and calcium salts of cinchophen (phenylcinchonic acid) equivalent to 1 grain of cinchophen.

The article was alleged to be misbranded in that the statements in the circular "a new molecular compound," and "This new medicine is a molecular

combination of Amidopyrine, Hexamethylenamine and Calcium Salts of Phenylcinchonic Acid. It is a molecular compound and not a simple mixture. It is not divisible into atoms, and it has an intensified action, so that a small dose is sufficient," were false and misleading since the article was not a new molecular compound or combination but was a simple mixture. It was alleged to be misbranded further in that the following statements contained in the circular, "It is * * * easily tolerated, even by those who cannot tolerate Aspirin, Amidopyrine and Cinchophen," "Celium is not toxic," "Celium has been well tested in clinics where its action has been a phenomenal surprise to the medical world," and "Celium is a milestone in the progress of chemistry in Medicine," were false and misleading and fraudulent since the article was not easily tolerated by those who cannot tolerate aspirin, aminopyrine (amidopyrine), and cinchophen; said article was toxic, tests of it in clinics had not constituted a phenomenal surprise to the medical world, it was not a milestone in the progress of chemistry and medicine, but was a simple mixture of well-known but dangerous drugs.

On December 13, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30017. Adulteration and misbranding of Sanitary Twin Tips Borated. U. S. v. 15 Gross Sanitary Twin Tips Borated. Default decree of condemnation and destruction. (F. & D. No. 42478. Sample No. 17365-D.)

This product was represented to be sterile and to contain an appreciable amount of boric acid or other borate. It contained, however, but a trace of boric acid or other borate and at the time of examination it was contaminated with viable micro-organisms. Such a product would be dangerous when used as directed in the labeling.

On May 27, 1938, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 gross of Sanitary Twin Tips Borated at Baltimore, Md.; alleging that the article had been shipped in interstate commerce on or about September 21, 1937, by the Williams Co. from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, (carton) "Borated," (leaflet) "Twin-Tips are manufactured from * * * sterilized cotton," "Twin-Tips are borated," since the article was not sterile but was contaminated with viable micro-organisms, including gas producing micro-organisms and molds and contained but an inconsequential trace of boric acid or other borate.

It was alleged to be misbranded in that the statements, (carton) "Sanitary * * * Borated," and (leaflet) "Twin-Tips are manufactured from * * * sterilized cotton under a process that assures you the most sanitary swab obtainable * * * Twin-Tips are * * * borated," were false and misleading when applied to an article that was not sanitary and was not the most sanitary swab obtainable, but which was contaminated with viable micro-organisms and contained but an inconsequential trace of boric acid or other borate, and the use of which was dangerous.

On October 25, 1938, no claimant having appeared, judgment of condemnation was entered and the product ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30018. Adulteration and misbranding of absorbent cotton. U. S. v. 20 Cases of Hospital Absorbent Cotton. Default decree of condemnation and destruction. (F. & D. No. 44139. Sample No. 27124-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages, was found at the time of examination to be contaminated. It was labeled to indicate that it was sterile.

On October 13, 1938, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 cases of absorbent cotton at Brooklyn, N. Y.; alleging that the article had been shipped on or about August 31, 1938, by the New Aseptic Laboratories from Columbia, S. C.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Ceco Hospital Absorbent Cotton."

Adulteration was alleged in substance in that the purity of the article fell below the professed standard under which it was sold. Misbranding was alleged in substance in that the statement "Hospital Absorbent Cotton" was false and misleading, since the article contained viable aerobic and anaerobic or facultative anaerobic micro-organisms, including gas-producing aerobic and anaerobic or facultative anaerobic micro-organisms and molds.

On December 6, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30019. Adulteration and misbranding of mineral oil. U. S. v. 13 Drums of Mineral Oil. Default decree of condemnation and destruction. (F. & D. No. 44178. Sample No. 26366-D.)

This product was represented to be white mineral oil of pharmacopoeial standard; whereas it contained moisture and solid paraffins in excess of the amount permitted by the pharmacopoeia.

On October 14, 1938, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 drums of mineral oil at Brooklyn, N. Y., consigned by Refined Oil Products Co. from Newark, N. J.; alleging that the article had been shipped in interstate commerce on or about September 1, 1938; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The libel alleged that the article purported to be white extra heavy mineral oil U. S. P.; and that it failed to conform to the pharmacopoeial specifications for white mineral oil since it contained moisture and solid paraffins in excess of the amounts permitted by the pharmacopoeial specifications; and that it was adulterated in that its purity fell below the professed standard and quality under which it was sold.

It was alleged to be misbranded in that it was an imitation of and was offered for sale under the name of another article.

On December 5, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30020. Misbranding of Scientific Fox Vermifuge. U. S. v. Scientific Foods, Inc. Plea of nolo contendere. Fine, \$25 and costs. (F. & D. No. 40759. Sample No. 19919-C.)

This veterinary product was misbranded because of false and fraudulent curative and therapeutic claims in the labeling. It was misbranded further since it contained no Levant wormseed, as represented on the label.

On September 26, 1938, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Scientific Foods, Inc., Perry, Iowa, alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about October 2, 1936, from the State of Iowa into State of Wisconsin of a quantity of Scientific Fox Vermifuge which was misbranded.

Analysis showed that the article contained plant material consisting of a considerable amount of ground American wormseed and a much smaller amount of some unidentified flower, apparently a composite. No Levant wormseed was detected. It also contained a crystalline material consisting of elemental sulfur, calcium carbonate, siliceous material, and sodium chloride. An iron compound also was present.

The article was alleged to be misbranded in that the statement "Ingredients * * * Levant Wormseed," borne on the label, was false and misleading in that the said statement represented that the article consisted in part of Levant wormseed; whereas it contained no Levant wormseed.

It was alleged to be misbranded further in that certain statements in the labeling regarding its curative and therapeutic effectiveness in the treatment of diseases of foxes falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for intestinal worms, effective to eliminate all worms, and effective as a vermifuge and tonic.

On October 29, 1938, a plea of nolo contendere having been entered, the court imposed a fine of \$25 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30021. Adulteration and misbranding of Gold Bond Sterilseptic Toilet Powder. U. S. v. 141 Cans of Gold Bond Sterilseptic Toilet Powder. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 40387. Sample No. 54807-C.)

The labeling of this product bore false and fraudulent curative and therapeutic claims and false and misleading representations regarding its purported antiseptic properties.

On October 20, 1937, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 141 cans of Gold Bond Sterilseptic Toilet Powder at Providence, R. I.; alleging that the article had been shipped in interstate commerce on or about September 17, 1937, by the Gold Bond Sterilizing Powder Co. from Fairhaven, Mass.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of talc with small amounts of boric acid, salicylic acid, and aromatics such as thymol and menthol. Bacteriological examination showed that it was not an antiseptic and that it contained viable micro-organisms.

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, (carton holding 24 cans) "Antiseptic" since it was not antiseptic.

It was alleged to be misbranded in that the following statements in the labeling were false and misleading when applied to an article that contained viable micro-organisms and was neither sterile nor antiseptic: (Shipping carton) "Sterilseptic"; (carton holding 24 cans) "It is recognized by some of the leading physicians and surgeons in this country as one of the 'World's Standard Antiseptic Toilet Powders.' * * * Gold Bond Sterilizing Powder Co."; (can label) "Sterilseptic * * * Gold Bond Sterilizing Powder Co."; (circular) "Sterilseptic." It was alleged to be misbranded further in that the following statements appearing in the labeling, regarding its curative or therapeutic effects, were false and fraudulent: (Shipping carton) "Healing Toilet Powder"; (carton holding 24 cans) "Healing * * * is used * * * for * * * pimples, * * * bed sores, burns * * * It is highly recommended in the treatment of * * * cuts, scratches, * * * and aids nature in healing. * * * And all Foot Irritations"; (circular) "Healing Toilet Powder is a valuable aid in the treatment of minor skin afflictions, * * * cuts, burns, scalds, * * * etc. * * * for hospital use in treating Bed Sores, Cord Dressings, and as a general surgical powder. It is, therefore, approved and recommended by many of the medical profession for such purposes, * * * all foot irritations. * * * and allays irritation. * * * It is valuable in minor irritations of the mucous membrane of the mouth and throat."; (can label) "Healing Toilet Powder * * * pimples, * * * Bed Sores, cuts, burns, scratches."

On December 2, 1938, the Gold Bond Sterilizing Powder Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30022. Adulteration and misbranding of Earakine. U. S. v. 240 Packages of Earakine. Default decree of condemnation and destruction. (F. & D. No. 43477. Sample No. 20836-D.)

The labeling of this product bore false and fraudulent curative and therapeutic claims. A quantity of cotton, which was enclosed in the package containing it, was contaminated with viable micro-organisms.

On September 1, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 240 packages of Earakine at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about March 21 and March 31, 1938, by C. S. Dent & Co. from Detroit, Mich.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

* Analysis of the liquid showed that it consisted essentially of glycerin, water, chloral hydrate, phenol, and a small amount of opium.

The article was alleged to be adulterated in that its purity fell below the professed standard or quality under which it was sold, namely, "Each package

contains * * * box sterilized cotton," since the cotton was not sterile but was contaminated with viable micro-organisms.

It was alleged to be misbranded in that the statement "Each package contains * * * box sterilized cotton" was false and misleading; and in that the statements on the carton, "Earakine for relief of earaches * * * pour two or three drops into ear affected," were statements regarding its curative or therapeutic effects and were false and fraudulent.

On November 29, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30023. Adulteration and misbranding of ampuls of phenobarbital sodium. U. S. v. 15 Packages of Ampuls of Phenobarbital Sodium (and 1 other seizure action against the same product). Default decree of condemnation and destruction. (F. & D. Nos. 44213, 44346. Sample Nos. 20348-D, 30655-D to 30659-D, inclusive.)

This product was intended for parenteral administration and for such purposes should be sterile. Examination showed, however, that it was contaminated with viable micro-organisms.

On October 19 and November 14, 1938, the United States attorneys for the Western District of Texas and the Southern District of California, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 15 packages of ampuls of phenobarbital sodium at El Paso, Tex., and 81 ampuls of the product at Los Angeles, Calif.; alleging that the article had been shipped in interstate commerce within the period from on or about November 5, 1937, to on or about September 16, 1938, by the Intra Products Co. from Denver, Colo.; and charging adulteration and misbranding of the former lot and adulteration of the latter in violation of the Food and Drugs Act.

Adulteration of both lots was alleged in that the purity of the article fell below the professed standard of quality under which it was sold, namely, "Phenobarbital Sodium," a sterile preparation since it was phenobarbital sodium contaminated with viable micro-organisms.

Misbranding was alleged with respect to the lot seized at El Paso, Tex., in that the statement "Phenobarbital Sodium," borne on the ampuls, was false and misleading when applied to an article that was contaminated with viable micro-organisms, and in that it was sold under the name of another article, namely, phenobarbital sodium in ampul form.

On December 7 and 13, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30024. Adulteration and misbranding of Testagar Fortified. U. S. v. Six Boxes of Testagar Fortified. Default decree of condemnation and destruction. (F. & D. No. 44291. Sample No. 42742-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages, at the time of examination was found to be infested with insect larvae. It was labeled to convey the impression that it was agar fortified with some other drug; whereas it consisted of material derived from psyllium seed or some closely related seed and a small proportion of embryonic material.

On November 12, 1938, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six boxes of Testagar Fortified at Buffalo, N. Y.; alleging that the article had been shipped on or about April 28, 1937, and on or about January 20, 1938, by the Testagar Laboratories, Inc., from Detroit, Mich.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its purity fell below the professed standard or quality under which it was sold, namely, "Testagar Fortified" in that this designation created the impression that it was a preparation of agar fortified with some other drug; whereas it consisted essentially of the mucilaginous material from psyllium seed or some closely related seed and a relatively small proportion of embryonic material such as embryonic radicles of grain, infested with worms (larvae).

Misbranding was alleged in that the statement on the label, "Testagar Fortified," was false and misleading.

On December 13, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30025. Adulteration and misbranding of camphorated oil and Laxative Head Cold Tablets and misbranding of Hygienic Mouth Wash and Vapor Balm. U. S. v. Mother Hubbard Products Co., Inc., Milton M. Baldock, and Richard H. Lingott. Pleas of guilty. Fine, \$200. (F. & D. No. 42593. Sample Nos. 21923-D, 21924-D, 21926-D, 21927-D.)

This case involved mouthwash which contained undeclared alcohol and which bore on its label false and fraudulent curative and therapeutic claims; camphorated oil which differed from the standard prescribed by the United States Pharmacopoeia and which bore on its label false and fraudulent curative and therapeutic claims; cold tablets which contained less acetanilid than declared and which were falsely represented to be harmless; and Vapor Balm the labeling of which bore false and fraudulent therapeutic and curative claims.

On November 4, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Mother Hubbard Products Co., Inc., Chicago, Ill., and Milton M. Baldock, and Richard H. Lingott, alleging shipment by said defendants in violation of the Food and Drugs act as amended, on or about April 18, 1938, from the State of Illinois into the State of Indiana, of quantities of the hereinafter-described drug products which were misbranded and portions of which also were adulterated.

Certain of the products were labeled: "Hygienic Mouth Wash and Throat Gargle [or "Mother Hubbard Camphorated Oil" or "Mother Hubbard Remedies Laxative Head-Cold Tablets"] * * * Mother Hubbard Products Co." One product was labeled: "Vapor Balm * * * Manufactured by G. A. Goodrich Co., Chicago."

Analysis showed that the mouthwash consisted essentially of zinc chloride, glycerin, alcohol (2.7 percent by volume), and water flavored with oil of cinnamon; that the camphorated oil contained less than 19 percent of camphor, namely, not more than 10.6 percent of camphor; that the Vapor Balm consisted essentially of volatile oils including menthol and methyl salicylate incorporated in a petrolatum base; and that the cold tablets contained less than 2 grains, namely, not more than 0.913 grain of acetanilid per tablet.

The mouthwash was alleged to be misbranded in that it contained 2.7 percent of alcohol by volume and its package, namely, the bottle, failed to bear a statement on the label of the quantity or proportion of alcohol contained in it. It was alleged to be misbranded further in that certain statements on the bottle label regarding its curative and therapeutic effects falsely and fraudulently represented that it was effective in the treatment of bad breath, sore throat, tonsillitis, tender gums, hoarseness, bad-teeth odors, mouth sores, and pyorrhea.

The camphorated oil was alleged to be adulterated in that it was sold under a name, camphorated oil, a synonym of a name recognized in the United States Pharmacopoeia, namely, camphor liniment; that the standard of strength, quality, and purity of camphor liniment as determined by the tests laid down by the pharmacopoeia required that the article contain in each 100 grams not less than 19 percent of camphor; whereas the article contained not more than 10.6 percent of camphor, and its own standard of strength, quality, and purity was not stated on the label. It was alleged to be misbranded in that certain statements on the bottle label regarding its curative and therapeutic effects falsely and fraudulently represented that it was effective as a treatment for croup and asthma.

The cold tablets were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold in that they were labeled "Each tablet contains 2 grains acetanilid"; whereas each tablet contained not more than 0.9 grain of acetanilid. They were alleged to be misbranded in that the statements, "Each tablet contains 2 grains acetanilid * * * They do not contain harmful habit-forming drugs," were false and misleading since each tablet contained not more than 0.9 grain of acetanilid and the article contained a harmful habit-forming drug, namely, acetanilid.

The Vapor Balm was alleged to be misbranded in that certain statements on the jar label and in the circular shipped therewith, regarding its curative and therapeutic effects, falsely and fraudulently represented that it was effective when used as a liniment or dressing for bruises, swellings, headaches, severe muscular pain, or a chronic condition of irritation; effective to cause

easier breathing thereby inducing sleep and helping to prevent night coughs; effective in the treatment of throat irritations, chest colds, raw air passages, dry hacking cough conditions, indicated by mucus or phlegm, and hoarse coughs; effective to prevent coughing if rubbed thoroughly on the throat and chest; and to cure tightness or muscular soreness; effective in the treatment of rheumatism, chest colds and congestion; and that it was effective to prevent, allay, and cure pain.

On December 27, 1938, pleas of guilty having been entered, the court imposed a fine of \$200, which was levied jointly against the defendants.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30026. Misbranding of Strasphene. U. S. v. 23 Bottles of Strasphene. Default decree of condemnation and destruction. (F. & D. No. 44138. Sample No. 28155-D.)

The quantity or proportion of acetophenetidin contained in this product was not declared on the label.

On October 14, 1938, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 bottles of Strasphene at Portland, Oreg.; alleging that the article had been shipped in interstate commerce on or about June 24, 1938, by the Emdee Research Laboratories from Oakland, Calif.; and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the package failed to bear on its label a statement of the quantity or proportion of acetophenetidin, a derivative of acetanilid, contained in the article, since no declaration was made of the acetophenetidin present.

On December 8, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30027. Adulteration and misbranding of sandalwood oil. U. S. v. Nine Bottles of "Oil Sandalwood—U. S. P." Decree of condemnation, forfeiture, and destruction. (F. & D. No. 43051. Sample No. 15925-D.)

This product was labeled to indicate that it was oil of santal, a product recognized in the United States Pharmacopoeia, but it did not have the characteristic odor of oil of santal and it contained a terpineol.

On July 12, 1938, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine bottles of sandalwood oil at Oklahoma City, Okla.; alleging that the articles had been shipped in interstate commerce on or about April 19, 1938, by Magnus, Mabee & Reynard from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration was alleged in that the purity of the article fell below the professed standard and quality under which it was sold, namely, "Oil Sandalwood—U. S. P. East Indian," since it was not the volatile oil distilled with steam from the dried heartwood of *Santalum album* Linné, as specified in the United States Pharmacopoeia.

Misbranding was alleged in that the statement "Oil Sandalwood—U. S. P. East Indian" was false and misleading and tended to deceive and mislead purchasers since they were led to believe that the article was oil of santal, a product recognized in the United States Pharmacopoeia; whereas it was not oil of santal but contained terpineol.

On September 6, 1938, Magnus, Mabee & Reynard, having filed an answer admitting the material allegations of the libel, judgment of condemnation was entered with provision for release of the goods under bond for relabeling. On October 18, 1938, the claimant having petitioned that a decree be entered directing the destruction of the product, the decree of September 6 was ordered vacated and the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30028. Adulteration of nitrous oxide. U. S. v. 10 Cylinders of Nitrous Oxide. Default decree of condemnation and destruction. (F. & D. Nos. 43951, 43952, 43953. Sample Nos. 33244-D, 33245-D, 33246-D.)

This product differed from the requirements of the United States Pharmacopoeia for nitrous oxide, in that it contained gas or gases other than nitrous oxide in excess of the tolerance permitted in the pharmacopoeia.

On September 23, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 cylinders of nitrous oxide at Chicago Ill.; alleging that the article had been shipped in interstate commerce by the Cheney Chemical Co. from Cleveland, Ohio, within the period from on or about July 16 to on or about August 25, 1938; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article was sold under a name recognized in the United States Pharmacopoeia, namely, nitrous oxide, but differed from the standard of strength, quality, and purity as determined by the tests laid down in the pharmacopoeia, and its own standard of strength, quality, and purity was not stated on the label.

On December 5, 1938, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the product be destroyed and that the cylinders be turned over to the Cheney Chemical Co.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30029. Misbranding of Sic'em Wonder Conditioner For Dogs. U. S. v. 41 Jars of Sic'em Wonder Conditioner For Dogs. Default decree of condemnation and destruction. (F. & D. No. 43956. Sample No. 39536-D.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On October 5, 1938, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 41 jars of the above-named drug product at Portland, Oreg.; alleging that the article had been shipped in interstate commerce on or about September 2, 1938, by the Kennel Owners Supply Co. from San Bruno, Calif.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of anhydrous sodium acetate.

Misbranding was alleged in that the jar label, carton, and a leaflet shipped with the article contained false and fraudulent representations regarding its curative and therapeutic effectiveness as a conditioner and wormer for dogs, cats, and foxes; as a treatment for hookworms, roundworms, tapeworms, and whipworms; and as a treatment for dry, itchy skin, scraggly coat, dull expression of eyes, listless attitude, inconsistent appetite, eating dirt or filth, foul breath, warm nose, straining at bowel action, rubbing hind parts along ground to relieve rectal itching, passing mucus or actual passage of worms or parts in the feces, distended belly, and twitching or jerking in sleep.

On November 17, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30030. Misbranding of rubbing alcohol, witch hazel, sweet spirits of niter, Russian oil, and cod liver oil. U. S. v. 23, 33, and 45 Bottles of Rubbing Alcohol (and 4 similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 44340 to 44344, inclusive. Sample Nos. 35716-D, 35719-D, 35720-D, 35747-D to 35751-D, inclusive.)

These products were short of the volume declared on the labels.

On November 14, 1938, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 101 bottles of rubbing alcohol, 12 bottles of witch hazel, 33 bottles of sweet spirits of niter, 33 bottles of Russian oil, and 44 bottles of cod liver oil at Nashua, N. H.; alleging that the articles had been shipped in interstate commerce in part on or about September 13, 1938, and in part on or about October 18, 1938, by M. S. Walker, Inc., from Boston, Mass.; and charging misbranding in violation of the Food and Drugs Act.

Misbranding was alleged in that the following statements on the labels of the respective products, (rubbing alcohol) "Contents 16 Fl. Oz." and "Full Pint," (witch hazel) "Contents: 8 Fluid Ounces," (sweet spirits of niter) "1 Fl. Oz.," (Russian oil) "16 fl. oz.," and (cod liver oil) "16 fl. oz.," were false and misleading when applied to articles that were short volume.

On December 14, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30031. Adulteration and misbranding of prophylactics. U. S. v. 1 Gross of Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 44118. Sample No. 34172-D.)

Samples of this product were found to be defective in that they contained holes.

On October 10, 1938, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1 gross of prophylactics at Baltimore, Md.; alleging that the article had been shipped in interstate commerce on or about September 22, 1938, by the Olympia Laboratory from Atlanta, Ga.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Black and Gold Perfect Transparents."

Adulteration was alleged in that the strength of the article fell below the professed standard or quality under which it was sold.

Misbranding was alleged in that the following statements in the labeling were false and misleading: "Perfect * * * For the prevention of disease * * * The merchandise which you will find in this package is made of the very best material * * * and with all the care and skill which long experience in manufacturing can give."

On November 14, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30032. Adulteration and misbranding of prophylactics. U. S. v. 17½ Gross of Rubber Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 42500. Sample No. 27297-D.)

Samples of this product were found to be defective because of the presence of holes.

On July 20, 1938, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 17½ gross of rubber prophylactics at Butte, Mont.; alleging that the article had been shipped in interstate commerce on or about December 29, 1937; by the Western Latex Co. from Chicago, Ill.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Tru-Tex."

Adulteration was alleged in that the strength of the article fell below the professed standard and quality under which it was sold, since 14.5 percent of those examined were found to contain holes.

Misbranding was alleged in that the following statements in the labeling, "Disease Preventative * * * Prophylactic," were false and misleading.

On September 14, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30033. Adulteration and misbranding of prophylactics. U. S. v. 26 Gross of Rubber Prophylactics (and 2 similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 44405, 44406, 44407. Sample Nos. 38989-D, 38990-D, 38991-D.)

Samples of this product were found to be defective in that they contained holes.

On or about November 26, 1938, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 139 gross of prophylactics at St. Louis, Mo.; alleging that the article had been shipped in interstate commerce within the period from on or about August 20 to August 23, 1938, by the Latex Distributing Co., from Chicago, Ill.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled variously: "Red-Pak," "Red Bird," "Rx Liquid Latex."

Adulteration was alleged in that the strength of the article fell below the professed standard or quality under which it was sold.

Misbranding was alleged in that the following statements in the labeling were false and misleading: (Red-Pak) "For prevention of disease * * * Guaranteed for five years"; (Red Bird) "For prevention of disease"; (Rx Liquid Latex) "Guaranteed five years * * * the reliable prophylactic * * * to prevent disease."

On December 30, 1938, and January 7, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30034. Adulteration and misbranding of prophylactics. U. S. v. 6 Gross of Rubber Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 44116. Sample No. 5140-D.)

Samples of this product were found to be defective in that they contained holes.

On October 19, 1938, the United States attorney for the District of Puerto Rico, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 6 gross of prophylactics at San Juan, P. R.; alleging that the article was in the possession of Braulio Caballero and was being offered for sale; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Saf-T-Skin Liquid Latex * * * Gotham Rubber Co., Chicago—New York."

It was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold.

It was alleged to be misbranded in that the statements in the labeling, "Saf T Skin * * * the modern prophylactic * * * to prevent disease * * * guaranteed five years * * * Saf T Skin the dependable prophylactic * * * disease preventative," were false and misleading.

On November 7, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30035. Adulteration and misbranding of prophylactics. U. S. v. 45 Gross, 19 Gross, and 25 Gross of Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 42958. Sample Nos. 25456-D, 25457-D, 25458-D.)

Samples of this product were found to be defective in that they contained holes.

On or about June 20, 1938, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 89 gross of prophylactics at Hartford, Conn.; alleging that the article had been shipped in interstate commerce on or about May 10, 1938, by the Mayfair Chemical Co. from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled variously: "Silver-Town," "Gold Town," and "Pro-Tek."

It was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold.

It was alleged to be misbranded in that the following statements in the labeling were false and misleading: (Silver-Town) "Disease Preventative * * * Prophylactic"; (Gold Town) "For Prevention Of Disease * * * Disease Preventative * * * Prophylactic"; (Pro-Tek) "Pro-Tek Disease Preventative * * * Prophylactic."

On October 26, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30036. Adulteration and misbranding of prophylactics. U. S. v. 9 Gross of Rubber Prophylactics (and 1 similar seizure action). Default decrees of condemnation and destruction. (F. & D. Nos. 43842, 43955. Sample Nos. 22651-D, 34088-D.)

Samples of this product were found to be defective in that they contained holes.

On September 13 and 23, 1938, the United States attorneys for the Eastern District of Virginia and the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 9 gross of prophylactics at Norfolk, Va., and 14 gross of the product at Pittsburgh, Pa.; alleging that the article had been shipped in interstate commerce by the Martin-Glassman Corporation from New York, N. Y., the former on or about August 26, 1938, and the latter on or about September 3, 1938; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled "X-Cello's" or "Silver Tex."

Adulteration was alleged in that the strength of the article fell below the professed standard or quality under which it was sold.

Misbranding was alleged in that the following statements appearing in the labeling were false and misleading: (X-Cello's) "For Prevention of Disease * * * the perfected latex * * * Guaranteed 5 years Sold for prevention of disease"; (Silver Tex) "For Prevention of Disease * * * Disease Preventative * * * Guaranteed 5 years. Sold for Prevention of Disease."

On October 19 and November 2, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30037. Adulteration and misbranding of prophylactics. U. S. v. 229 Dozen Rubber Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 44230. Sample Nos. 10319-D, 10320-D.)

Samples of this product were found to be defective in that they contained holes.

On October 24, 1938, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 700 dozen prophylactics at Charlotte, N. C.; alleging that the article had been shipped in interstate commerce in part on or about August 23, 1938, and in part on or about October 5, 1938, by the Crown Rubber Sundries Co. from Akron, Ohio; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled "Koin-Pack" or "Texide."

It was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold.

Misbranding was alleged in that the following statements in the labeling were false and misleading: (Koin-Pack) "Prophylactic * * * For Prevention of Disease"; (Texide) "Guaranteed Five Years * * * Prophylactic * * * For Prevention of Disease."

On December 3, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30038. Adulteration and misbranding of prophylactics. U. S. v. 29 Gross of Rubber Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 44328. Sample No. 11964-D.)

Samples of this product were found to be defective in that they contained holes.

On November 12, 1938, the United States attorney for the District of Puerto Rico, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29 gross of prophylactics which were offered for sale in the Territory of Puerto Rico. The libel alleged that the article had been received by Luis Garraton & Hno., S. en C., of San Juan, P. R.; and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part "El Sable."

Adulteration was alleged in that the strength of the article fell below the professed standard or quality under which it was sold.

Misbranding was alleged in that the statements in the labeling, (carton) "Por su salud y para su proteccion * * * Sometidos a vapor y a la prueba de aire" (envelope) "Sometido a prueba de aire Garantizado 100 per cent perfecto * * * No tiene agujeros," were false and misleading.

On December 12, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30039. Adulteration and misbranding of prophylactics. U. S. v. 8 Gross of Rubber Prophylactics (and 1 other seizure against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 42144, 43852. Sample Nos. 5137-D, 17411-D.)

Samples of this product were found to be defective because of the presence of holes.

On April 7, 1938, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 8 gross of rubber prophylactics at Danville, Va., consigned by the Bengor Products Co.; alleging that the article had been shipped in interstate commerce on or about January 12, 1938, from New York, N. Y. On September 13, 1938, the United States attorney

for the District of Puerto Rico filed a libel against 21¼ gross of the same product at San Juan, P. R., alleging that the article had been shipped on or about June 16, 1938, by the Bengor Products Co., from New York, N. Y. The libels charged that the article was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part, "Koin-Pack" or "Tiger Skin."

It was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold.

Misbranding was alleged in that the following statements in the labeling were false and misleading and tended to deceive and mislead the purchaser: (Tiger Skin) "Guaranteed Five Years * * * They will not deteriorate with age or climate * * * Prophylactics * * * They are triple tested * * * For your health and protection * * * For the prevention of contagious diseases"; (Koin-Pack) "Prophylactic * * * For the Prevention of Disease * * * For Prevention of Disease."

On September 8 and October 17, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30040. Adulteration and misbranding of prophylactics. U. S. v. 18½ Dozen and 19 Dozen Prophylactics (and 3 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 44478, 44532, 44644, 44704. Sample Nos. 31872-D, 34948-D, 35881-D, 35882-D, 35992-D.)

Samples of this product were found to be defective because of the presence of holes.

Between December 7, 1938, and January 21, 1939, the United States attorneys for the Districts of Massachusetts, Maine, Maryland, and Western Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 37½ dozen prophylactics at Boston, Mass., 228 dozen of the product at Portland, Maine, 8 dozen at Pittsburgh, Pa., and 22 dozen at Baltimore, Md.; alleging that the article had been shipped in interstate commerce within the period from on or about November 1 to on or about December 12, 1938, by Youngs Rubber Corporation, Inc., from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Naturalamb Skins."

Adulteration was alleged in that the strength of the article fell below the professed standard or quality under which it was sold.

Misbranding was alleged with respect to portions of the article in that the statement "For Prevention of Disease," stamped thereon, was false and misleading.

On December 28, 1938, February 13, 14, and 23, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30041. Adulteration and misbranding of prophylactics. U. S. v. 10½ Gross of Rubber Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 42065. Sample No. 17557-D.)

Samples of this product were found to be defective because of the presence of holes.

On March 26, 1938, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10½ gross of prophylactics at Edinburg, Va., consigned by Magnet Merchandise Co.; alleging that the article had been shipped on or about March 7, 1938, from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part "Silver-Tex."

It was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold.

Misbranding was alleged in that the statements, "Super Fine * * * for the Prevention of Contagious Disease * * * Guaranteed Five Years * * * Prophylactic," were false and misleading and tended to deceive and mislead the purchaser.

On November 22, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30042. Adulteration and misbranding of prophylactics. U. S. v. 106 Dozen Rubber Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 43562. Sample Nos. 2157-D, 2158-D.)

Samples of this product were found to be defective because of the presence of holes.

On August 31, 1938, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 106 dozen rubber prophylactics at Minneapolis, Minn.; alleging that the article had been shipped in interstate commerce on or about November 27, 1936, by the General Aseptic Co. from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part "Koin-Pack."

Adulteration was alleged in that the strength of the article fell below the professed standard or quality under which it was sold.

Misbranding was alleged in that the following statements in the labeling were false and misleading: "Prophylactic * * * For The Prevention Of Disease * * * For Prevention of Disease."

On November 15, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30043. Adulteration and misbranding of prophylactics. U. S. v. 7 Dozen Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 43915. Sample No. 24097-D.)

Samples of this product were found to be defective in that they contained holes.

On September 19, 1938, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 7 dozen prophylactics at Cincinnati, Ohio; alleging that the article had been shipped in interstate commerce on or about August 2, 1938, by the B & N Sales Co. from Chicago, Ill.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Pickaniny Brand."

Adulteration was alleged in that the strength of the article fell below the professed standard or quality under which it was sold.

Misbranding was alleged in that the following statements in the labeling were false and misleading: "Made From the Choicest Grade of Materials Obtainable * * * and Represent the Highest Quality * * * for the Prevention of Contagious Diseases."

On November 18, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30044. Adulteration and misbranding of prophylactics. U. S. v. 15 Gross of Rubber Prophylactics (and 10 similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 42264, 42265, 42266, 42396, 42913, 44117, 44259 to 44263, inclusive. Sample Nos. 10920-D, 10921-D, 10922-D, 10923-D, 10937-D, 11963-D, 11966-D, 11969-D, 11970-D, 11972-D, 11973-D, 15005-D.)

Samples of this product were found to be defective in that they contained holes.

Between the dates of April 28 and November 3, 1938, the United States attorneys for the Western District of Kentucky, the Western District of Washington, and the District of Puerto Rico, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 59½ gross of prophylactics at Louisville, Ky., 20 gross of the product at Seattle, Wash., 39 gross at Puerta de Tierra, P. R., 31 gross at Arecibo, P. R., 41 gross at Mayaguez, P. R., and 19 gross at Ponce, P. R.; alleging that the article had been shipped in interstate commerce within the period from on or about January 27, 1938, to on or about August 27, 1938, by the Universal Merchandise Co., in part from Chicago, Ill., in part from Los Angeles, Calif., and in part from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Saf-T-Skin" or "R-97."

It was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold.

The article was alleged to be misbranded in that the following statements appearing in the labeling were false and misleading: (Saf-T-Skin) "Prophy-

lactics * * * The Modern Prophylactics * * * The Dependable Prophylactic * * * Saf-T-Skin * * * To Prevent Disease * * * Guaranteed Five Years * * * Disease Preventative"; (Rx 97) "The Reliable Prophylactic * * * Guaranteed Five Years * * * To Prevent Disease * * * For Prevention Of Disease * * * Guaranteed 100 Percent Air Tested."

On June 7, November 17 and 19, and December 12, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30045. Adulteration and misbranding of prophylactics. U. S. v. 9 Gross of Prophylactics (and 1 similar seizure action). Default decrees of condemnation and destruction. (F. & D. Nos. 44115, 44276. Sample Nos. 5139-D, 11968-D.)

Samples of this product were found to be defective in that they contained holes.

On October 19 and November 3, 1938, the United States attorney for the District of Puerto Rico, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 9 gross of prophylactics at San Juan, P. R., and 6 gross at Aguadilla, P. R.; alleging that the article had been shipped in interstate commerce in part on or about April 30, 1938, and in part on or about August 18, 1938, by the J. Mas Co. from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled "Rajah" or "Majestic."

It was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold.

Misbranding was alleged in that the following statements appearing in the labeling were false and misleading: (Rajah) "Guaranteed 5 years disease preventative"; (Majestic) "Made from the choicest grade of materials obtainable * * * and represent the highest quality of prophylactics. * * * for the prevention of contagious diseases."

On November 17 and December 12, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30046. Adulteration and misbranding of prophylactics. U. S. v. 25 Gross, 50 Gross, and 42 Gross of Prophylactics. Default decree of condemnation and destruction. (F. & D. Nos. 42430, 42431, 42432. Sample Nos. 24341-D, 24345-D, 24347-D.)

Samples of this product were found to be defective in that they contained holes.

On May 20, 1938, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 117 gross of prophylactics at Columbus, Ohio; alleging that the article had been shipped in interstate commerce within the period from on or about February 8, 1938, to on or about March 7, 1938, by the International Distributors from Memphis, Tenn.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled variously: "Genuine Liquid Latex"; "Super Test Liquid Latex"; "Nu-Pak."

Adulteration was alleged in that the strength of the article fell below the professed standard or quality under which it was sold.

Misbranding was alleged in that the following statements in the labeling were false and misleading: (Genuine Liquid Latex) "Prophylactic Guaranteed Five Years For the prevention of Disease"; (Super Test Liquid Latex) "Super test * * * Guaranteed for five years Sold for the prevention of disease"; (Nu-Pak) "Guaranteed for Five Years * * * For The Prevention of Disease."

On August 31, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30047. Adulteration and misbranding of prophylactics. U. S. v. 2¾ Gross of Rubber Prophylactics (and 2 similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 44023, 44034, 44292. Sample Nos. 24974-D, 24975-D, 24976-D, 45012-D.)

Samples of this product were found to be defective in that they contained holes.

On or about October 1, October 6, and November 7, 1938, the United States attorney for the Southern District of Florida, acting upon reports by the Secre-

tary of Agriculture, filed in the district court libels praying seizure and condemnation of 13¾ gross of prophylactics in various lots at Tampa, Orlando, and St. Petersburg, Fla.; alleging that the article had been shipped in interstate commerce within the period from on or about September 10 to on or about October 5, 1938, by A. G. Vining from Atlanta, Ga.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Hygiene" or "Pro-Medico."

Adulteration was alleged in that the strength of the article fell below the professed standard or quality under which it was sold.

Misbranding was alleged in that the following statements appearing in the labeling were false and misleading; (Hygiene) "Protectors * * * Guaranteed 2 years * * * For Prevention of Disease * * * Selected Airtested and Guaranteed to be free from pinholes, blisters or other imperfections"; (Pro-Medico) "For Medical Purposes * * * Tested * * * Guaranteed Five Years * * * Triple Air Tested."

On November 9, November 29, and December 17, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30048. Adulteration and misbranding of prophylactics. U. S. v. 228 Prophylactics (and 4 similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 43652, 43653, 44323, 44324, 44403. Sample Nos. 26782-D, 26783-D, 34118-D, 34119-D, 38975-D.)

Samples of this product were found to be defective in that they contained holes.

On September 2 and 9, and November 23, 1938, the United States attorneys for the Southern District of New York, the District of Maryland, and the Eastern District of Missouri, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 600 prophylactics at New York, N. Y., 32 dozen at Baltimore, Md., and 17 dozen prophylactics at St. Louis, Mo.; alleging that the article had been shipped in interstate commerce within the period from on or about June 17 to on or about November 4, 1938, by the Akron Drug & Sundries Co. from Akron, Ohio; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Silver-Tex Supreme Goldbeaters" or "Texide Goldbeaters."

Adulteration was alleged in that the strength of the article fell below the professed standard or quality under which it was sold.

Misbranding was alleged in that the following statements in the labeling were false and misleading: (Silver-Tex Supreme Goldbeaters) "Supreme * * * Specially Selected * * * made from the choicest grade of materials obtainable * * * represent the highest quality * * * for the prevention of contagious diseases * * * for the prevention of disease * * * the perfect prophylactic"; (Texide Goldbeaters) "Guaranteed Five Years * * * made from the choicest grade of materials obtainable * * * and represent the highest quality * * * for the prevention of contagious diseases * * * for the prevention of disease."

On September 26 and December 15, 1938, and January 7, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30049. Adulteration and misbranding of prophylactics. U. S. v. 14½ Gross of Prophylactics (and 2 similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 42357, 44246, 44504. Sample Nos. 28282-D, 27132-D, 27134-D, 59247-D.)

Samples of this product were found to be defective in that they contained holes.

On May 18, October 29, and December 14, 1938, the United States attorneys for the District of Oregon and the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 14½ gross of prophylactics at Portland, Oreg., and 5½ gross of the product at New York, N. Y.; alleging that the article had been shipped in interstate commerce within the period from on or about March 16, 1938, to on or about November 29, 1938, by Stowall & Co. from San Francisco, Calif.; and charging adulteration and misbranding in

violation of the Food and Drugs Act. The article was labeled in part, "LaFrance" or "Peacocks."

Adulteration was alleged in that the strength of the article fell below the professed standard or quality under which it was sold.

The La France brand was alleged to be misbranded in that the statement "For Prevention of Disease," borne on the label, was false and misleading since the articles were not suitable for the prevention of disease because they contained perforations or punctures. The Peacocks were alleged to be misbranded in that the following statements in the labeling and similar statements in a leaflet shipped with the article were false and misleading: (Box) "Air-Tested * * * Prophylactic * * * 'Air-Blown-Tested'"; (circular) "Question Why can I (the buyer) be reasonably certain the rubber prophylactics I purchase actually give protection? * * * Peacocks are all air-blown tested and will give you * * * protection."

On September 10 and December 1, 1938, and January 25, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30050. Adulteration and misbranding of prophylactics. U. S. v. 89 Gross of Prophylactics (and 5 similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 41550, 41551, 42121, 42122, 43322, 44166, 44167, 44274. Sample Nos. 7710-D, 7711-D, 21316-D, 21322-D, 25758-D, 27128-D, 27129-D, 37865-D, 38266-D.)

Samples of this product were found to be defective in that they contained holes.

Between the dates of February 1 and November 3, 1938, the United States attorneys for the Southern District of New York, Northern District of Illinois, and the Southern District of Texas, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 200½ gross of prophylactics at New York, N. Y., 262 gross at Chicago, Ill., and 40 gross at Houston, Tex.; alleging that the article had been shipped in interstate commerce within the period from on or about November 19, 1937, to on or about October 1, 1938, by the Killashun Sales Division, from Akron, Ohio; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled variously: "Texide"; "Silver-Tex"; "X Cello's"; "Double Dutch"; "Genuine Latex Mfd. by L. E. Shunk Latex Prod. Inc., Akron, Ohio"; "Texide Goldbeaters"; "Silver-Tex Supreme Goldbeaters."

The article in certain lots was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold.

Misbranding of the said lots was alleged in that the following statements appearing in the labeling were false and misleading: (Double Dutch) "For prevention of disease"; (Genuine Latex) "For prevention of disease"; (Silver-Tex) "For Prevention of Disease * * * Guaranteed 5 years"; (X Cello's) "For Prevention of Disease * * * the perfected latex * * * Guaranteed Five Years"; (portion of Texide Goldbeaters) "Guaranteed five years * * * For the Prevention of Contagious Disease"; (Texide) "Prophylactic * * * Guaranteed Five Years * * * For Prevention of Disease."

The article in two of the lots was alleged to be misbranded in that the following statements regarding their therapeutic effects were false and fraudulent since it was incapable of producing the effects claimed: (Silver-Tex Supreme Goldbeaters) "Supreme * * * Specially Selected * * * made from the choicest grade of materials obtainable * * * and represent the highest quality * * * for the prevention of contagious disease * * * the perfect Prophylactic"; (Texide Goldbeaters) "Guaranteed Five Years * * * made from the choicest grade of materials obtainable * * * and represent the highest quality * * * for the prevention of contagious disease."

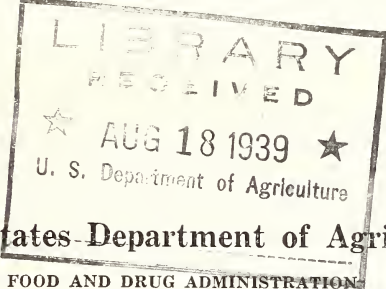
Between June 15 and December 3, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

30051-30200

[Approved by the Acting Secretary of Agriculture, Washington, D. C., April 10, 1939]

30051. Misbranding of canned peas. U. S. v. 848 Cases of Canned Peas. Product ordered released under bond to be relabeled. (F. & D. No. 44439. Sample No. 31827-D.)

This product was substandard because the peas were not immature, and it was not labeled to indicate that it was substandard.

On November 30, 1938, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 848 cases of canned peas at Washington, Pa.; alleging that the article had been shipped in interstate commerce on or about August 9, 1938, by the Phillips Sales Co. from Newark, Del.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Phillips Delicious Early June Peas Packed by Phillips Packing Co., Inc., Cambridge, Md."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the peas were not immature and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On January 10, 1939, the Phillips Sales Co., claimant, having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond conditioned that it be correctly relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30052. Adulteration of apple butter. U. S. v. Hecker Products Corporation. Plea of guilty. Total fine, \$200. (F. & D. No. 42527. Sample Nos. 45035-C, 45059-C, 45060-C, 45061-C, 45603-C.)

Samples of this product were found to contain insects and insect fragments.

On December 6, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Hecker Products Corporation, New York, N. Y., alleging shipment by said defendant in violation of the Food and Drugs Act in part on or about May 7, 1937, and in part on or about July 30, 1937, from the State of New York into the State of California, of quantities of apple butter that was adulterated. It was labeled in part: "H & H [or "Acme"] Brand Pure Apple Butter."

The article was alleged to be adulterated in that it consisted in whole and in part of a filthy vegetable substance.

On January 3, 1939, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$200.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30053. Adulteration and misbranding of butter. U. S. v. 8 Boxes and 12 Boxes of Butter. Decrees of condemnation. Product released under bond. (F. & D. Nos. 44611, 44685. Sample Nos. 42142-D, 42153-D.)

This product contained less than 80 percent of milk fat.

On December 22, 1938, and January 7, 1939, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation

of 20 boxes of butter at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce in part on or about December 11, 1938, and in part on or about December 31, 1938, by the Garfield Cooperative Creamery from Garfield, Minn.; and charging that the article was adulterated and that a portion was also misbranded in violation of the Food and Drugs Act.

Adulteration was alleged in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

A portion of the article was alleged to be misbranded in that it was labeled "Butter," which statement was false and misleading, since the product contained less than 80 percent of milk fat.

On December 30, 1938, and January 9, 1939, the Garfield Cooperative Creamery having appeared as claimant, judgments of condemnation were entered, and the product was ordered released under bond conditioned that it be brought up to the legal standard under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30054. Adulteration of cream. U. S. v. Two 10-Gallon Cans of Cream. Default decree of condemnation and destruction. (F. & D. No. 43393. Sample No. 31165-D.)

This product was filthy and decomposed.

On July 26, 1938, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two 10-gallon cans of cream at Colorado Springs, Colo.; alleging that the article had been shipped in interstate commerce on or about July 22, 1938, by O. S. Reed from Amarillo, Tex.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On July 26, 1938, the consignee having consented to destruction of the product, the court entered judgment of condemnation and destruction.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30055. Misbranding of olive oil. U. S. v. 1,797 Cans of Olive Oil. Decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 44309. Sample No. 34105-D.)

This product was short of the declared volume.

On November 7, 1938, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,797 cans of olive oil at Perry Point, Md.; alleging that the article had been shipped in interstate commerce on or about August 22, 1938, by West Tea & Coffee Co. from New York, N. Y.; and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Net Contents 1 Quart West's Monterey Brand Edible Olive Oil, E. R. West Packer, New York."

It was alleged to be misbranded in that the statement "Net Contents 1 Quart" was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short volume. It was alleged to be misbranded further in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On December 5, 1938, West Tea & Coffee Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled to conform to the requirements of the law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30056. Adulteration of apples. U. S. v. 22 Crates of Apples. Consent decree of condemnation and destruction. (F. & D. No. 44543. Sample No. 45941-D.)

This product was contaminated with arsenic and lead.

On October 26, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 crates of apples at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about October 23, 1938, from Grand Rapids, Mich., by Max Amrol to himself at Chicago, Ill.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On December 5, 1938, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30057. Adulteration of butter. U. S. v. 30 Tubs of Butter. Decree of condemnation. Product released under bond to be reworked. (F. & D. No. 44609. Sample No. 32975-D.)

This product contained less than 80 percent of milk fat.

On December 6, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 tubs of butter at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about August 25, 1938, by Ravenwood Cooperative Creamery, Inc., from Ravenwood, Mo.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by act of March 4, 1923.

On December 21, 1938, Dauber Bros., Chicago, Ill., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked to the legal standard.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30058. Adulteration of butter. U. S. v. 221 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked or denatured. (F. & D. No. 44425. Sample No. 45612-D.)

A part of this product was deficient in milk fat and a part contained added mineral oil.

On November 14, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 221 tubs of butter at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about August 19, 1938, by Salt City Creamery from Hutchinson, Kans.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by the act of March 4, 1923. It was alleged to be adulterated further in that mineral oil had been substituted in part for butterfat.

On December 9, 1938, Salt City Creamery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked or denatured under the supervision of this Department as required. The butter of legal standard was released, that low in milk fat was reworked to contain 80 percent of milk fat, and that found to contain mineral oil was rendered into soap grease.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30059. Adulteration of butter. U. S. v. 14 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 44612. Sample No. 44781-D.)

This product contained less than 80 percent of milk fat.

On December 19, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 tubs of butter at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about November 19, 1938, by the Spring Valley Butter Co. from Houston, Tex.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by act of March 4, 1923.

On December 30, 1938, Spring Valley Butter Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the

product was ordered released under bond conditioned that it be reworked under the supervision of this Department, and that it should contain at least 80 percent of butterfat.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30060. Adulteration of dried figs. U. S. v. 300 Cases and 499 Cases of Figs. Consent decree of condemnation. Product released under bond for segregation and destruction of the unfit portion. (F. & D. Nos. 44420, 44421. Sample Nos. 37115-D, 37116-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested and moldy.

On November 29, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 799 cases of figs at New York, N. Y.; alleging that the article had been shipped on or about November 4, 1938, by Jack Gomperts & Co. from San Francisco, Calif.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Superba Brand Fancy White Adriatic Figs."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On December 29, 1938, Catz American Co., Inc., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that the good be separated from the bad and that the portion found unfit for human consumption be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30061. Adulteration of apples. U. S. v. 116 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 44227. Sample Nos. 27876-D, 36443-D, 36444-D, 36445-D.)

This product was contaminated with arsenic and lead.

On August 27, 1938, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 116 bushels of apples at Kansas City, Mo.; alleging that the article had been shipped in interstate commerce on or about August 24, 1938, by Paul M. Sugg from Gentry, Ark.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On September 6, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30062. Adulteration of apples. U. S. v. 4 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 43897. Sample No. 32751-D.)

This product was contaminated with arsenic and lead.

On August 22, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 4 bushels of apples at Chicago Ill.; alleging that the article had been shipped on or about August 1, 1938, from Benton Harbor, Mich., by Rosenthal & Stockfish to themselves at Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Lake Shore Brand Packed by South Haven Fruit Exchange, South Haven, Mich."

It was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 14, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30063. Adulteration of pears. U. S. v. 10 Bushels of Pears. Consent decree of condemnation and destruction. (F. & D. No. 43518. Sample No. 32705-D.)

This product was contaminated with arsenic and lead.

On August 10, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 bushels of pears

at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about August 2, 1938, by Ferdinand Bahm from Benton Harbor, Mich.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On August 18, 1938, the consignee having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30064. Adulteration of butter. U. S. v. 13 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 44386. Sample Nos. 44106-D, 44220-D.)

This product contained less than 80 percent of milk fat.

On November 12, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 tubs of butter at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about October 25, 1938, by Roslyn Creamery Co. from Roslyn, S. Dak.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by act of March 4, 1923.

On November 23, 1938, Roslyn Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30065. Adulteration of apples. U. S. v. 19 Bushels and 26 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 44376. Sample Nos. 45991-D, 45992-D.)

This product was contaminated with arsenic and lead.

On October 31, 1938, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 45 bushels of apples at Milwaukee, Wis.; alleging that the article had been shipped in interstate commerce from Benton Harbor, Mich., on or about October 27, 1938, by A. Recht & Son to themselves at Milwaukee; and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "George T. Otis Bangor, Mich." or "James Smith, Sodus, Mich."

It was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On December 22, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30066. Adulteration of butter. U. S. v. 104 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 44474. Sample No. 45613-D.)

This product contained less than 80 percent of milk fat.

On November 17, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 104 tubs of butter at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about August 15, 1938, by Nashua Creamery from Nashua, Wis.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by act of March 4, 1923.

On December 19, 1938, Hansen & Matson Co., Chicago, Ill., claimant having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked to the legal standard.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

- 30067. Adulteration of American cheese. U. S. v. 8 Boxes, 19 Boxes, and 51 Boxes of Cheese. Consent decree of condemnation. Product released under bond to be reprocessed.** (F. & D. Nos. 42953, 42954, 42955. Sample Nos. 21797-D, 21798-D, 21799-D.)

This product contained excessive moisture.

On June 18, 1938, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 78 boxes of cheese at Green Bay, Wis.; alleging that the article had been shipped in interstate commerce on or about May 20, 1938, by Indiana Dairy Marketing Association, of Muncie, Ind., from Indianapolis, Ind.; and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Shefford Cheese Green Bay Wis."

The article was alleged to be adulterated in that a substance which contained excessive moisture had been substituted wholly or in part for the article.

On November 29, 1938, the Shefford Cheese Co., Green Bay, Wis., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be processed and blended with low-moisture cheese so that the resulting product should contain not more than 40 percent of moisture.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

- 30068. Adulteration of butter. U. S. v. Seven Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked.** (F. & D. No. 43047. Sample Nos. 35319-D, 35322-D.)

This product contained less than 80 percent of milk fat.

On July 1, 1938, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of seven tubs of butter at Boston, Mass., consigned on or about June 8, 1938; alleging that the article had been shipped in interstate commerce by Beatrice Creamery Co. from Sioux Falls, S. Dak.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat.

On August 5, 1938, Beatrice Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be reworked so that it contain at least 80 percent of milk fat.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

- 30069. Adulteration of apples. U. S. v. 28 Bushels of Apples. Default decree of condemnation and destruction.** (F. & D. No. 43936. Sample No. 32786-D.)

This product was contaminated with arsenic and lead.

On August 29, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 28 bushels of apples at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about August 23, 1938, from Benton Harbor, Mich., by Miretsky & Joseph to themselves at Chicago; and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Henry Schaus & Son R-2 Watervliet, Mich."

It was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 18, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

- 30070. Adulteration of unshelled almonds. U. S. v. 289 Bags of Almonds (and 13 other seizures of the same product). Consent decree of condemnation. Product released under bond for segregation and destruction of unfit portion.** (F. & D. Nos. 44293 to 44296, inclusive, 44315 to 44319, inclusive, 44321, 44349, 44366, 44368, 44383, 44384, 44436, 44437, 44454, 44455, 44553. Sample Nos. 26151-D to 26165-D, inclusive, 26172-D, 26173-D, 26178-D, 35837-D, 35840-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be in part worm-infested and moldy.

Between November 7 and December 21, 1938, the United States attorneys for the Southern District of New York and the District of Rhode Island, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of a total of 1,100 bags and 188 cartons of almonds at New York, N. Y., and 38 bags of almonds at Providence, R. I.; alleging that they had been shipped within the period from September 1 to October 8, 1938, by California Almond Growers Exchange from Sacramento, Calif.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Golden State Brand," or "Fancy Blue Diamond Brand."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On December 30, 1938, and January 6, 1939, the Geo. Wm. Bentley Co., Providence, R. I., having filed a claim for the lots seized at Providence, R. I., and the California Almond Growers Exchange having filed a claim for the goods seized at New York, N. Y., and said claimants having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond conditioned that the unfit portion be segregated and destroyed or denatured.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30071. Adulteration of apples. U. S. v. 50 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 44373. Sample No. 32174-D.)

This product was contaminated with arsenic and lead.

On October 3, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 bushels of apples at Naperville, Ill.; alleging that they had been shipped in interstate commerce from Sodus, Mich., on or about September 27, 1938, by Harry Sverdlin to himself at Naperville; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 28, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30072. Adulteration of apples. U. S. v. 44 Bushels of Apples. Consent decree of condemnation and destruction. (F. & D. No. 44337. Sample No. 45981-D.)

This product was contaminated with arsenic and lead.

On October 31, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 44 bushels of apples at Chicago, Ill.; alleging that the article had been shipped in interstate commerce from Coloma, Mich., on or about October 26, 1938, by Frank Rinnelli to himself at Chicago; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 16, 1938, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30073. Adulteration of fish. U. S. v. Six Boxes of Tullibeas. Default decree of condemnation and destruction. (F. & D. No. 44379. Sample No. 19705-D.)

This product was infested with parasitic worms.

On November 3, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six boxes of tullibeas at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about October 25, 1938, by M. C. French from Warroad, Minn.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance; and in that it consisted of portions of animals unfit for food.

On December 13, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30074. Adulteration of candy. U. S. v. 60 Boxes of Candy (and 1 similar seizure action). Default decrees of condemnation and destruction. (F. & D. Nos. 43865, 43866, 43867, 43874, 43875. Sample Nos. 27941-D to 27945-D, inclusive.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On September 14, 1938, the United States attorney for the Southern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 66 boxes of candy at Peoria, Ill.; alleging that the article had been shipped within the period from on or about September 22, 1937, to June 21, 1938, in various shipments by J. C. Claey's Manufacturing Confectioner from South Bend, Ind., Hollywood Candy Co. from Minneapolis, Minn., Chicky Candies, Inc., from Grand Rapids, Mich., and B. & G. Candy Co. from Detroit, Mich.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On January 5, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30075. Adulteration and misbranding of grape concentrate. U. S. v. 36 Bottles of Grape True Fruit Concentrate W. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 43241. Sample No. 22334-D.)

Analysis showed that this product contained anthranilic acid ester, a synthetic flavoring chemical.

On August 10, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 36 gallon bottles of grape concentrate at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about July 15, 1938, by Polak's Frutal Works, Inc., from Long Island, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Polak's Frutal Works Amersfoort, Holland."

It was alleged to be adulterated in that a substance containing a synthetic flavoring chemical had been substituted wholly or in part for it.

It was alleged to be misbranded in that the statement on the label, "Grape True Fruit Concentrate," was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was synthetically flavored; and in that it was an imitation of and was offered for sale under the distinctive name of another article.

On September 2, 1938, Polak's Frutal Works, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30076. Adulteration of vegetable juices. U. S. v. 10 Cases and 12 Cases of Vegetable Juices. Default decrees of condemnation and destruction. (F. & D. Nos. 44469, 44527. Sample Nos. 58580-D, 59264-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be undergoing a form of chemical decomposition.

On December 5 and 15, 1938, the United States attorneys for the Western District of Kentucky and the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 10 cases of vegetable juices at Louisville, Ky., and 12 cases of vegetable juices at New York, N. Y.; alleging that the article had been shipped in part on or about June 15, 1938, and in part on

or about July 20, 1938, from Terre Haute, Ind., by the Loudon Packing Co.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Peacock's V-8 Cocktail A Blend of 8 Vegetable Juices * * * made in U. S. A. by New England Products, Inc., Evanston, Ill."

Adulteration was alleged in that the article consisted in whole or in part of a decomposed vegetable substance.

On January 5 and January 19, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30077. Misbranding of canned cherries. U. S. v. 423 Cases and 493 Cases of Cherries. Product ordered released under bond to be relabeled. (F. & D. Nos. 44194, 44195. Sample Nos. 30882-D, 30883-D.)

This product was substandard because of the presence of an excessive number of pits, and it was not labeled to indicate that it was substandard.

On October 18, 1938, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 916 cases of canned cherries at El Paso, Tex.; alleging that the article had been shipped in interstate commerce on or about September 2, 1938, by Producers Canning Co. from Fort Collins, Colo.; and charging misbranding in violation of the Food and Drugs Act. A portion of the article was labeled: "Avondale Brand Sour Pitted Cherries Distributors James A. Dick Co., El Paso, Texas." The remainder was labeled: "Brimfull Brand Water Pack Red Sour Pitted Cherries * * * Distributed by Kitchen Products, Inc. Chicago, Ill."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since there was present more than 1 cherry pit per 20 ounces of net contents, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On November 10, 1938, the Producers Canning Co. having appeared as claimant, judgment was entered ordering that the product be released under bond to be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30078. Adulteration of flour. U. S. v. 380 Bags and 140 Bags of Flour. Default decree of condemnation and destruction. (F. & D. Nos. 44157, 44158. Sample Nos. 38166-D, 38167-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested and to contain rodent hairs.

On October 13, 1938, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 520 bags of flour at Dothan, Ala.; alleging that the article had been shipped on or about May 19, 1938, by the M. D. King Milling Co., Inc., from Pittsfield, Ill.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Chapmans Principia Patent."

Adulteration was alleged in that the article consisted wholly or in part of a filthy vegetable substance.

On January 12, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30079. Adulteration of tomato puree and tomato catsup. U. S. v. 11 Cases of Tomato Puree and 7 Cases of Tomato Catsup (and 1 similar seizure action). Default decrees of condemnation and destruction. (F. & D. Nos. 44370, 44371, 44444. Sample Nos. 20471-D, 20472-D, 20552-D.)

These products contained insect and worm fragments.

On or about November 18 and December 2, 1938, the United States attorney for the District of Arizona, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 143 cases of tomato puree and 7 cases of tomato catsup at Phoenix, Ariz., consigned by Val Vita Food Products, Inc.; alleging that the articles had been shipped in interstate commerce within the period from on or about April 9 to on or about October 4, 1938, from Fullerton, Calif.; and charging adulteration in violation of the Food and Drugs Act. The articles were labeled in part respectively:

"Val Vita Brand Tomato Puree * * * Orange County Cannery Inc. Fullerton California"; "Val Vita Brand Tomato Catsup * * * Val Vita Food Products Inc."

They were alleged to be adulterated in that they consisted wholly or in part of a filthy vegetable substance.

On January 10, 1939, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30080. Adulteration of almonds. U. S. v. 9 Cases, 140 Bags, and 100 Bags of Almonds in Shell. Default decrees of condemnation and destruction. (F. & D. Nos. 44482, 44485, 44488. Sample Nos. 34431-D, 34694-D, 36237-D, 43227-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be wormy and moldy.

On December 7 and 8, 1938, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 240 bags and 9 cases of almonds at Baltimore, Md.; alleging that the article had been shipped in part on or about October 28 and in part on or about October 29, 1938, by Rosenberg Bros. & Co., in part from San Francisco and in part from Oakland, Calif.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Ensign Brand California Nonpareil Almonds."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On December 29, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30081. Adulteration and misbranding of flour. U. S. v. 25 Bags of Flour (and 2 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 43498, 43550, 43551, 44052. Sample Nos. 37648-D, 38046-D, 38086-D, 38208-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested. It also was bleached but was not labeled to indicate that fact.

On August 31, September 3, and October 3, 1938, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 75 bags of flour at New Orleans, La.; alleging that the article had been shipped in part on or about July 19, 1938, and in part on or about August 8, 1938, by Midland Flour Milling Co. from Blackwell, Okla.; and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Harina Lealtad Newton Milling & Elevator Co., Newton, Kans." The remainder was labeled in part: "Harina De Trigo Duro Osiris [or "Town Crier Flour"] The Midland Flour Milling Co. Kansas City."

The article was alleged to be adulterated in that bleached flour had been substituted wholly or in part for it, and in that it consisted wholly or in part of a filthy vegetable substance.

It was alleged to be misbranded in that the statements on the labels, "Harina," "Harina De Trigo Duro" (Spanish terms which mean flour and hard wheat flour, respectively), and "Flour," were false and misleading and tended to deceive and mislead the purchaser when applied to bleached flour.

On November 11, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30082. Adulteration of corn meal. U. S. v. 41 Bags and 55 Bags of Corn Meal. Default decrees of condemnation and destruction. (F. & D. Nos. 43850, 43910. Sample Nos. 38134-D, 38143-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On September 12 and September 16, 1938, the United States attorney for the Southern District of Alabama, acting upon reports by the Secretary of Agri-

culture, filed in the district court libels praying seizure and condemnation of 96 bags of corn meal at Mobile, Ala.; alleging that it had been shipped by the Quaker Oats Co. from St. Joseph, Mo., in part on or about July 28, 1938, and in part on or about August 12, 1938; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Aunt Jemima White Cream Corn Meal."

Adulteration was alleged in that the article consisted wholly or in part of a filthy vegetable substance.

On October 21, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30083. Adulteration of candy. U. S. v. 17 Cartons and 9 Cartons of Candy. Default decree of condemnation and destruction. (F. & D. Nos. 43120, 43121. Sample Nos. 23666-D, 23667-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On July 28, 1938, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 cartons of candy at Shreveport, La.; alleging that the article had been shipped in part on or about April 8, and in part on or about May 28, 1938, by the Sperry Candy Co. from Milwaukee, Wis.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On October 25, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30084. Adulteration of candy. U. S. v. Queen Anne Candy Co. Plea of nolo contendere. Judgment of guilty. Fine, \$1,000 and costs. (F. & D. No. 42578. Sample Nos. 365-D, 472-D, 473-D, 475-D, 1009-D, 1059-D, 1325-D, 1574-D, 1585-D, 1842-D, 1961-D, 1982-D, 1984-D, 2011-D, 2042-D, 2082-D, 2449-D, 7591-D, 8997-D, 14969-D.)

Samples of this product were found to contain rodent excreta, rodent hairs, insects, and other filth.

On October 25, 1938, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Queen Anne Candy Co., a corporation, Hammond, Ind., alleging shipment by said defendant in violation of the Food and Drugs Act, within the period from on or about November 15, 1937, to on or about January 6, 1938, from the State of Indiana into the States of California, Oregon, Vermont, Pennsylvania, Maryland, Ohio, Iowa, Wisconsin, Nebraska, Connecticut, and Illinois of quantities of candy which was adulterated. Portions of the article were labeled in part: (Carton) "Queen Anne Carefully Made Confections."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On December 30, 1938, a plea of nolo contendere having been entered, the court found the defendant guilty and imposed a fine of \$1,000 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30085. Adulteration of strawberry jam. U. S. v. Five Cans of Strawberry Jam. Default decree of condemnation and destruction. (F. & D. No. 43009. Sample No. 18159-D.)

This product had been made from berries which were in large part moldy.

On June 30, 1938, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five cans of strawberry jam at Seattle, Wash.; alleging that the article had been shipped on or about June 18, 1938, from San Francisco, Calif.; and charging adulteration in violation of the Food and Drugs Act. The jam had been manufactured by the L. Demartini Co., of San Francisco, Calif.; and had been delivered to Schwabacher Bros., by whom it was shipped in interstate commerce. It was labeled in part: "Madrona Brand Pure Strawberry Jam * * * Distributors Schwabacher Bros. & Co., Inc., Seattle, Washington."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On January 24, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30086. Adulteration of corn meal. U. S. v. 66 Bags of Meal. Default decree of condemnation and destruction. (F. & D. No. 43892. Sample No. 38141-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On September 15, 1938, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 66 bags of corn meal at Mobile, Ala.; alleging that the article had been shipped on or about August 13, 1938, by the Scott County Milling Co. from Oran, Mo.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted wholly or in part of a filthy vegetable substance.

On October 21, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30087. Adulteration of apples. U. S. v. 18 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 43939. Sample No. 33301-D.)

This product was contaminated with arsenic and lead.

On September 1, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 bushels of apples at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about August 29, 1938, by Jochem Bros. from Bridgman, Mich.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Benj. Scherer R-1, Coloma, Mich."

It was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 28, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30088. Adulteration of peanut butter. U. S. v. Six Cases of Peanut Butter. Default decree of condemnation and destruction. (F. & D. No. 44627. Sample No. 34820-D.)

Samples of this product were found to contain rodent hairs and nondescript dirt.

On January 5, 1939, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six cases of peanut butter at Baltimore, Md.; alleging that the article had been shipped in interstate commerce on or about November 28, 1938, by Southgate Foods from Norfolk, Va.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Lynnhaven Brand Peanut Butter."

Adulteration was alleged in that the article consisted in whole or in part of a filthy vegetable substance.

On January 27, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30089. Adulteration of butter. U. S. v. Two Boxes of Butter. Default decree of condemnation. Product ordered delivered to charitable organizations. (F. & D. No. 44648. Sample No. 41663-D.)

This product contained less than 80 percent of milk fat.

On December 23, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 2 boxes, each containing 50 pound prints of butter, at Philadelphia, Pa.; alleging that the

article had been shipped in interstate commerce on or about December 14, 1938, by the Falls City Creamery Co. from Falls City, Nebr.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

On January 16, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable organizations.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30090. Adulteration of butter. U. S. v. 32 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 44664. Sample No. 32976-D.)

This product contained less than 80 percent of milk fat.

On December 9, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 32 tubs of butter at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about August 19, 1938, by the Salt City Creamery Co. from Hutchinson, Kans.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided for by act of March 4, 1923.

On January 5, 1939, Dauber Bros., Chicago, Ill., claimant, having consented to the entry of a decree and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30091. Misbranding of canned tomatoes. U. S. v. 192 Cases of Canned Tomatoes. Default decree of condemnation. Product delivered to charitable institutions. (F. & D. No. 42894. Sample No. 15898-D.)

This product was substandard because it did not consist of whole or large pieces, and it was not labeled to indicate that it was substandard.

On June 7, 1938, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 192 cases of canned tomatoes at Duncan, Okla.; alleging that the article had been shipped in interstate commerce on or about March 12, 1938, by the Central Cannery, Inc., from Fayetteville, Ark.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Central Cannery Tomatoes * * * Standard Quality."

Misbranding was alleged in that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since it did not consist of whole or of large pieces, and its package or label did not bear a plain and conspicuous statement prescribed by regulations of this Department, indicating that it fell below such standard.

On October 25, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30092. Adulteration of crab meat. U. S. v. Herbert Lee Lawson (Star Oyster Co.). Plea of guilty. Fine, \$40 and costs. (F. & D. No. 42634. Sample Nos. 34158-D, 34266-D, 34272-D, 34276-D.)

This product contained evidence of the presence of filth.

On January 10, 1939, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Herbert Lee Lawson, trading as the Star Oyster Co., Crisfield, Md.; alleging shipment by said defendant in violation of the Food and Drugs Act within the period from on or about August 3 to on or about August 16, 1938, from the State of Maryland into the States of New Jersey and New York and the District of Columbia, of quantities of crab meat that was adulterated

Adulteration was alleged in that the article consisted in whole or in part of a filthy animal substance.

On January 20, 1939, a plea of guilty was entered by the defendant and the court imposed a fine of \$40 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30093. Adulteration of apple butter. U. S. v. 22 Cases of Apple Butter. Default decree of condemnation and destruction. (F. & D. No. 44465. Sample No. 20551-D.)

Samples of this product were found to contain worm and insect fragments and rodent hairs.

On or about December 2, 1938, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 cases of apple butter at Phoenix, Ariz.; alleging that the article had been shipped in interstate commerce on or about September 12, 1938, by the Nelson Warehouse Co. from Los Angeles, Calif.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Catalina Brand Pure Apple Butter California Preserving Co., Los Angeles, Calif."

Adulteration was alleged in that the article consisted wholly or in part of a filthy vegetable substance.

On January 10, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30094. Adulteration of shelled pecans. U. S. v. 25 Cases of Shelled Pecans. Default decree of condemnation and destruction. (F. & D. No. 44520. Sample Nos. 35966-D, 59693-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be in whole or in part decomposed.

On December 6, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 cases of shelled pecans at Paterson, N. J.; alleging that the article had been shipped on or about November 26, 1938, from Boston, Mass., to Paterson, N. J.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "From E. M. Zerr & Co., Inc., * * * San Antonio, Texas."

Adulteration was alleged in that the article consisted in whole or in part of a decomposed vegetable substance.

On January 13, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30095. Adulteration of shrimp. U. S. v. 180 Cans of Peeled Boiled Shrimp. Default decree of condemnation and destruction. (F. & D. No. 44476. Sample No. 45023-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be in whole or in part decomposed.

On December 7, 1938, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 180 cans of shrimp at Atlanta, Ga.; alleging that the article had been shipped on or about November 14, 1938, by Zibilich Seafood Co., Inc., from Gulfport, Miss.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted in whole or in part of a decomposed animal substance.

On January 7, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30096. Adulteration of flour. U. S. v. 45 Sacks of Flour. Default decree of condemnation and destruction. (F. & D. No. 43762. Sample No. 38074-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On September 9, 1938, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 45 sacks of flour at Alexandria, La.; alleging that the article had been shipped in part on or about March 30, 1937, and in part on or about December 30, 1937, by the Globe Grain & Milling Co. from Little Rock, Ark.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Ogden Flour Mills Ogden, Utah * * * Blue Bunny Wheat Flour."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On December 13, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30097. Adulteration of cheese. U. S. v. Arno Struve and Rudolph R. Struve (Struve Cheese Factory). Pleas of guilty. Fines, \$100. (F. & D. No. 42551. Sample No. 3385-D.)

This product was deficient in milk fat.

On September 17, 1938, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Arno Struve and Rudolph R. Struve, copartners, trading as Struve Cheese Factory, Abernathy, Tex., alleging sale and delivery by said defendants under a guaranty that the product complied with the Food and Drugs Act, and its subsequent shipment from the State of Texas into the State of New Mexico on or about March 15, 1938, of a quantity of cheese that was adulterated.

Adulteration was alleged in that a product containing in the water-free state less than 50 percent of milk fat, had been wholly substituted for cheese, a product which should contain not less than 50 percent of milk fat.

On December 12, 1938, the defendants entered pleas of guilty and the court imposed a fine of \$50 against each.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30098. Adulteration and misbranding of Glycopon AA. U. S. v. 1½ Gallons and 4¾ Gallons of Glycopon AA. Default decree of condemnation and destruction. (F. & D. No. 40997. Sample Nos. 48090-C, 48557-C.)

This product consisted of diethylene glycol, a poison.

On December 3, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of approximately 6¾ gallons of Glycopon AA at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about June 15, 1937, by Glyco Products Co., Inc., from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that diethylene glycol, a poison, had been substituted for Glycopon AA, a food-flavor solvent which it purported to be.

It was alleged to be misbranded in that the statement "Glycopon AA" was false and misleading and tended to deceive and mislead the purchaser when applied to diethylene glycol, a poison; and in that it was sold under the distinctive name of another article, namely, Glycopon AA, a food-flavor solvent.

On December 5, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30099. Misbranding of Shake King crystals lemon flavor. U. S. v. 124 Cans of Shake King Crystals. Default decree of condemnation and destruction. (F. & D. No. 43705. Sample No. 32457-D.)

This product was represented to be a lemon-flavored beverage base, but was essentially an artificially colored mixture of tartaric acid and glucose with little or no flavor of lemon.

On September 7, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 124 cans of the above-named product at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about June 24 and 27, 1938, by General Desserts Corporation from New York, N. Y.; and charging misbranding in violation

of the Food and Drugs Act. The article was labeled in part: "Distributed by Shake King Corp. * * * Chicago, Ill."

It was alleged to be misbranded in that the statements on the label, "Crystals Lemon Flavor * * * Natural Flavor," were false and misleading and tended to deceive and mislead the purchaser when applied to an artificially colored mixture of tartaric acid and glucose with little or no lemon.

On November 29, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30100. Adulteration of coffee. U. S. v. 100 Bags of Coffee. Consent decree of condemnation. Product released under bond for segregation and destruction of unfit portion. (F. & D. No. 43857. Sample No. 26681-D.)

This product, at the time of examination, was found to contain an excessive number of decomposed beans.

On September 13, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 bags of coffee at New York, N. Y.; alleging that the article had been imported from Santiago, Cuba, by Dr. Juan Vinas, and had arrived in New York on or about August 6, 1937; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that an excessive number of worthless beans, having no coffee beverage value had been mixed and packed with it so as to reduce or lower its quality or strength, and had been substituted wholly or in part for the article.

On January 11, 1939, Machado & Co., New York, N. Y., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that the good be separated from the bad and the latter destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30101. Adulteration of apples. U. S. v. 50 Bushels of Apples. Default decree of condemnation. Product ordered delivered to a charitable organization. (F. & D. No. 44169. Sample No. 38632-D.)

This product was contaminated with arsenic and lead.

On October 3, 1938, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 bushels of apples at St. Louis, Mo.; alleging that the article had been shipped in interstate commerce on or about August 30, 1938, by J. W. Macauley from Golden Eagle, Ill., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 16, 1938, no claimant having appeared, judgment of condemnation was entered and it was ordered that the apples be delivered to a charitable organization and that they be peeled and cored and the peelings and cores destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30102. Adulteration of apples. U. S. v. 150 Bushels of Apples. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. & D. No. 44171. Sample No. 39002-D.)

This product was contaminated with arsenic and lead.

On October 3, 1938, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 150 bushels of apples at St. Louis, Mo.; alleging that the article had been shipped in interstate commerce on or about September 24, 1938, by Abe Weinstein from Grafton, Ill.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 16, 1938, no claimant having appeared, judgment of condemnation was entered and it was ordered that the apples be delivered to a charitable institution and that they be peeled and cored and the peelings and cores destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30103. Adulteration of apples. U. S. v. 120 Bushels of Apples. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. & D. No. 44170. Sample No. 38962-D.)

This product was contaminated with arsenic and lead.

On October 3, 1938, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 120 bushels of apples at St. Louis, Mo.; alleging that the article had been shipped in interstate commerce on or about September 21, 1938, by the Cohen Orchard from Grafton, Ill.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 16, 1938, no claimant having appeared, judgment of condemnation was entered and it was ordered that the apples be delivered to a charitable organization and that they be peeled and cored and the peelings and cores destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30104. Adulteration of butter. U. S. v. 14 Tubs of Butter. Consent decree of condemnation. Product released under bond for reworking. (F. & D. No. 44571. Sample No. 32915-D.)

This product contained less than 80 percent of milk fat.

On December 1, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 tubs of butter at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about September 20, 1938, by the Patton Creamery Co. from Springfield, Mo.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as required by the act of March 4, 1923.

On January 9, 1939, the Patton Creamery Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30105. Adulteration of poultry. U. S. v. Five Barrels and Seven Barrels of Poultry. Default decree of condemnation and destruction. (F. & D. No. 44542. Sample No. 44112-D.)

Samples of this product were found to be diseased, emaciated, and decomposed.

On December 20, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 barrels of poultry at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about December 2, 1938, from Fayetteville, Ark., by Jerpe Dairy Products Corporation; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted in whole or in part of a decomposed animal substance.

On January 27, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30106. Adulteration of cashew nuts. U. S. v. 49 Cases of Cashew Nuts. Default decree of condemnation and destruction. (F. & D. No. 44501. Sample No. 26177-D.)

This product, which had been imported, at the time of examination was found to be worm-infested.

On December 14, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 49 cases of cashew nuts at New York, N. Y.; alleging that the article had been entered at the port of New York on January 28, 1936, and had been imported by Wm. A. Higgins & Co., New York, N. Y.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted in whole or in part of a filthy vegetable substance.

On January 24, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30107. Misbranding of canned cherries. U. S. v. 200 Cases of Canned Cherries. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 43272. Sample No. 15073-D.)

This product was substandard because of the presence of an excessive number of pits and it was not labeled to indicate that it was substandard.

On August 10, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 cases of canned cherries at San Francisco, Calif.; alleging that the article had been shipped in interstate commerce on or about July 30, 1938, by Stayton Canning Co. Co-Op. from Stayton, Oreg.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "H M Hi Man Louis T. Snow & Co. Distributors San Francisco, Calif. Water Pack Pitted Red Sour Cherries."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since there was present more than 1 cherry pit per 20 ounces of net contents, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On January 12, 1939, Stayton Canning Co. Co-Op., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled to conform to the provisions of the Food and Drugs Act.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30108. Adulteration of frozen egg whites. U. S. v. 100 Cans of Frozen Egg Whites. Consent decree of condemnation. Product released under bond to be segregated and the bad eggs destroyed. (F. & D. No. 44284. Sample No. 12129-D.)

This product was in part decomposed.

On November 3, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 cans of frozen egg whites at Jersey City, N. J.; alleging that the article had been shipped in interstate commerce on or about August 8, 1938, by the S. Blick Co., Inc., from New York, N. Y.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On January 16, 1939, the S. Blick Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that the good be separated from the bad and that the latter be destroyed or denatured so they could not be used for food purposes.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30109. Adulteration of ocean perch fillets. U. S. v. 227 Boxes of Ocean Perch Fillets. Default decree of condemnation and destruction. (F. & D. No. 44089. Sample No. 21292-D.)

This product was infested with parasitic worms.

On October 13, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 227 boxes of ocean perch fillets at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about June 28, 1938, by Forty Fathom Fisheries, Inc., from Boston, Mass.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Ocean Perch Freshly Chilled 40 Fathom Brand Fish Boston, Mass."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy animal substance.

On November 14, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30110. Adulteration of frozen whole eggs. U. S. v. Fort Worth Poultry & Egg Co., Inc. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 42636. Sample No. 18153-D.)

This product was in whole or in part decomposed.

On December 5, 1938, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Fort Worth Poultry & Egg Co., Fort Worth, Tex.; alleging shipment by said defendant in violation of the Food and Drugs Act, on or about May 25, 1938, from the State of Texas into the State of California of a quantity of whole eggs that were adulterated.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On January 13, 1939, the defendant entered a plea of guilty and the court imposed a fine of \$50 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30111. Adulteration of apples. U. S. v. 12 Bushels and 11 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 44056. Sample Nos. 33355-D, 33359-D.)

This product was contaminated with arsenic and lead.

On September 19, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 bushels of apples at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about September 9 and 12, 1938, by Lester Harris from Coloma, Mich.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 28, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30112. Adulteration of apples. U. S. v. 28 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 43938. Sample No. 32800-D.)

This product was contaminated with arsenic and lead.

On September 1, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 28 bushels of apples at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about August 29, 1938, by Jochem Bros. from Bridgman, Mich.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "McIntosh Benj. Scherer R 1 Coloma, Mich."

It was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 29, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30113. Adulteration of apples. U. S. v. 34 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 44144. Sample No. 33389-D.)

This product was contaminated with arsenic and lead.

On September 23, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 34 bushels of apples at Elgin, Ill.; alleging that the article had been shipped in interstate commerce on or about September 18, 1938, by John Pelias from Hart, Mich.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Wealthy Grown and Packed by R. C. Newton, Hart, Mich."

It was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 15, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30114. Adulteration of lobster tails. U. S. v. 25 Boxes of Lobster Tails. Default decree of condemnation and destruction. (F. & D. No. 44562. Sample No. 34359-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be in whole or in part decomposed.

On December 21, 1938, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 boxes of lobster tails; alleging that the article was in possession of a storage warehouse at Washington, D. C., stored for the account of Harford Import & Export Co., of New York, N. Y.; and was being offered for sale in the District of Columbia; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Captail Brand, 57 Tails, Langouste * * * Product of the Union of South Africa."

Adulteration was alleged in that the article consisted in whole or in part of a decomposed animal substance.

On January 14, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30115. Adulteration of flour. U. S. v. 400 Sacks of Flour. Default decree of condemnation and destruction. (F. & D. No. 44110. Sample No. 30671-D.)

This product which had been shipped in interstate commerce and remained unsold and in the original unbroken packages at the time of examination, was found to be insect-infested.

On October 10, 1938, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 400 sacks of flour at El Paso, Tex.; alleging that the article had been shipped on or about February 9, 1938, by Lamar Flour Mills from Lamar, Colo.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On December 13, 1938, no claimant having appeared, judgment of condemnation was ordered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30116. Adulteration of flour. U. S. v. 120 Bags of Flour. Default decree of condemnation and destruction. (F. & D. No. 44471. Sample No. 50205-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original package at the time of examination, was found to be insect-infested.

On December 5, 1938, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 120 bags of flour at Selma, Ala.; alleging that the article had been shipped within the period from on or about April 5, 1938, to on or about August 31, 1938, by the Cleveland Milling Co. from Cleveland, Tenn.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Bleached Elberta Patent Flour."

Adulteration was alleged in that the article consisted wholly or in part of a filthy vegetable substance.

On January 12, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30117. Misbranding of canned peas. U. S. v. 1,735 Cases of Peas. Consent decree of condemnation. Product released under bond conditioned that substandard portion be relabeled. (F. & D. No. 43928. Sample No. 24384-D.)

A portion of this product was substandard because the peas were not immature, and it was not labeled to indicate that it was substandard.

On September 21, 1938, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,735 cases of canned peas at Cleveland, Ohio; alleging that the article had been shipped in interstate commerce on or about July 13, 1938, by Phillips Sales Co. from Newark,

Del.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Phillips Delicious Early June Peas. Packed by Phillips Packing Co. Inc., Cambridge, Md."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the peas were not immature, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On December 13, 1938, Phillips Sales Co., having appeared as claimant and having filed an answer admitting that a part of the product was substandard, judgment of condemnation was entered and the product was ordered released under bond conditioned that the substandard portion be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30118. Adulteration of oysters. U. S. v. 117 Quarts of Oysters. Default decree of condemnation and destruction. (F. & D. No. 44401. Sample No. 30386-D.)

This product contained added water.

On November 22, 1938, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 117 quarts of oysters at York, Pa.; alleging that the article had been shipped in interstate commerce on or about November 21, 1938, by M. V. Smith & Son, Inc., from Baltimore, Md.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that water had been mixed and packed with it so as to reduce or lower its quality or strength.

On January 16, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30119. Misbranding of canned tomatoes. U. S. v. 788 Cases of Canned Tomatoes. Default decree of condemnation. Product sold to a charitable institution for a nominal sum. (F. & D. No. 44358. Sample No. 54666-D.)

This product was substandard because it was not normally colored, and it was not labeled to indicate that it was substandard.

On November 15, 1938, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 788 cases of canned tomatoes at Dallas, Tex.; alleging that the article had been shipped in interstate commerce on or about September 8, 1938, by Gassville Canning Co. from Pindall, Ark.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Red Chief Brand Hand Packed Tomatoes * * * Packed by Jones Canning Company, Green Forest, Ark."

The libel alleged that the article was not normally colored and was misbranded in that it was below the standard of quality and condition promulgated by the Secretary of Agriculture, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On January 9, 1939, no claimant having appeared, judgment of condemnation and destruction was entered. On January 11, 1939, an amended decree was entered ordering that the product be sold to a charitable institution for a nominal sum, conditioned that it be used solely for charitable purposes.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30120. Adulteration of ocean perch filets. U. S. v. 174 Boxes of Ocean Perch Filets. Default decree of condemnation and destruction. (F. & D. No. 44113. Sample No. 21293-D.)

This product was infested with parasitic worms.

On October 13, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 174 boxes of ocean perch filets at Elgin, Ill.; alleging that the article had been shipped in interstate commerce on or about August 10, 1938, by Forty Fathom Fisheries, Inc., from Boston, Mass.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Ocean Deep Frozen Filets."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy animal substance.

On November 29, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30121. Adulteration of butter. U. S. v. 245 Cubes of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 43829. Sample Nos. 36340-D, 36341-D.)

This product contained less than 80 percent of milk fat.

On August 20, 1938, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 245 cubes of butter at Springfield, Mass., consigned on or about August 3, 1938; alleging that the article had been shipped in interstate commerce by Mandan Creamery & Produce Co. from Mandan, N. Dak.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as provided by act of March 4, 1923.

On September 30, 1938, Mandan Creamery & Produce Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain not less than 80 percent of milk fat.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30122. Adulteration of shrimp. U. S. v. 12 Boxes and 825 Pounds of Shrimp. Default decree of condemnation and destruction. (F. & D. No. 44645. Sample No. 20145-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be in whole or in part decomposed.

On December 17, 1938, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 boxes of shrimp at Wilmington, Calif., and 825 pounds of shrimp at San Pedro, Calif.; alleging that the article had been shipped on or about December 13, 1938, by Frank Landell from Nogales, Ariz.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Product of Mexico."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On January 13, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30123. Adulteration of shrimp. U. S. v. 15 Boxes of Shrimp. Default decree of condemnation and destruction. (F. & D. No. 44604. Sample No. 20365-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be in whole or in part decomposed.

On December 14, 1938, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 boxes of shrimp at Wilmington, Calif.; alleging that the article had been shipped from Nogales, Sonora, Mexico, on or about December 13, 1938, by V. B. Estrella; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted in whole or in part of a decomposed animal substance.

On January 14, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30124. Misbranding of canned peas. U. S. v. 126 Cases of Peas. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. & D. No. 42043. Sample No. 12676-D.)

This product fell below the standard for canned peas established by this Department because the peas were not immature, and it was not labeled to indicate that it was substandard.

On March 28, 1938, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 126 cases of peas at Schenectady, N. Y.; alleging that the article had been shipped in interstate commerce on or about August 26, 1937, by the New Oxford Canning Co. from New Oxford, Pa.; and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the peas were not immature and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On November 18, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions for use and not to be sold.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30125. Misbranding of chicken ravioli. U. S. v. Delray Corporation. Plea of guilty. Fine, \$40. (F. & D. No. 42588. Sample Nos. 3152-D, 3282-D, 17685-D, 17711-D.)

This product was short weight.

On November 10, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Delray Corporation, trading at San Francisco, Calif., alleging shipment by said company in violation of the Food and Drugs Act within the period from on or about February 9, 1938, to on or about May 5, 1938, from the State of California into the States of Oregon, Washington, and Colorado of quantities of chicken ravioli that was misbranded.

The article was alleged to be misbranded in that the statements "Net Wt. 1 Lb." and "Net Weight 1 Lb." borne on the labels, were false and misleading and by reason of the said statements it was labeled so as to deceive and mislead the purchaser since the cans contained less than 1 pound.

On January 9, 1939, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$40.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30126. Adulteration of frozen fish. U. S. v. 1,551 Cases of Whiting and 12 Boxes of Filets. Consent decrees of condemnation and destruction. (F. & D. Nos. 44713, 44740. Sample Nos. 27479-D, 31102-D.)

These products, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, were found to be in part decomposed.

On January 23 and 27, 1939, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,551 cases of whiting and 12 boxes of filets at Denver, Colo., consigned by Gorton Pew Fisheries, Ltd., alleging that the articles had been shipped in part on or about July 30, 1938, and in part on or about December 8 and 21, 1938, from Gloucester, Mass., and charging adulteration in violation of the Food and Drugs Act. The articles were labeled in part: "H and G Whiting" and "Cold Seal Brand Filets," respectively.

They were alleged to be adulterated in that they consisted wholly or in part of decomposed animal substances.

On February 4, 1939, Gorton Pew Fisheries Co., Ltd., having consented to the entry of decrees, judgments of condemnation were entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30127. Misbranding of canned cherries. U. S. v. 18 Cases of Cherries. Default decree of condemnation and destruction. (F. & D. No. 43707. Sample Nos. 3304-D, 3309-D.)

This product was substandard because of the presence of an excessive number of pits, and it was not labeled to indicate that it was substandard.

On September 7, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 cases of canned cherries at San Francisco, Calif.; alleging that the article had been shipped in interstate commerce on or about July 29, 1938, by Huber Packing Co., Inc., from

Tacoma, Wash.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Moon Winks Brand Water Pack R. S. P. Cherries."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since there was present more than 1 cherry pit per each 20 ounces of net contents, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On February 8, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30128. Misbranding of canned peas. U. S. v. 750 Cases of Canned Peas. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 43024. Sample No. 14622-D.)

This product fell below the standard established by this Department because the peas were not immature, and it was not labeled to indicate that it was substandard.

On July 9, 1938, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 750 cases of canned peas at Charlestown, Mass.; alleging that the article had been shipped in interstate commerce on or about March 29, 1938, from Baltimore, Md., by A. W. Sisk & Son; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Sky Chief Brand Early June Peas * * * packed by Lineboro Canning Company, Inc. Lineboro, Md."

Misbranding was alleged in that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the peas were not immature, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On September 19, 1938, the Lineboro Canning Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30129. Adulteration of crab meat. U. S. v. One Barrel of Crab Meat. Default decree of condemnation and destruction. (F. & D. No. 43796. Sample No. 34084-D.)

This product contained evidence of the presence of filth.

On August 26, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of crab meat at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about August 23, 1938, by F. H. Ayers & Son from Portsmouth, Va.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On September 9, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30130. Adulteration of apples. U. S. v. 72 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 44606. Sample No. 46078-D.)

This product was contaminated with arsenic and lead.

On November 17, 1938, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 72 bushels of apples at Evansville, Ind.; alleging that the article had been shipped in interstate commerce on or about November 9, 1938, from Lawrence, Mich., by Richard Trice to himself at Evansville, Ind.; and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "C S Hammond Lawrence Mich Cleaned Apples Delicious."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On January 30, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30131. Adulteration of canned cherries. U. S. v. Western Oregon Packing Corporation. Plea of guilty. Fine, \$300. (F. & D. No. 42620. Sample No. 15062-D.)

This product was in part decomposed.

On November 26, 1938, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Western Oregon Packing Corporation, Corvallis, Oreg., alleging shipment by said company in violation of the Food and Drugs Act on or about July 23, 1938, from the State of Oregon into the State of New York of a quantity of canned cherries that were adulterated. The article was labeled in part: "Mountainview Royal Anne Cherries."

Adulteration was alleged in that the article consisted in whole or in part of a filthy and decomposed vegetable substance.

On December 15, 1938, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$300.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30132. Adulteration of candy. U. S. v. 12 Cartons of Candy. Default decree of condemnation and destruction. (F. & D. No. 44037. Sample No. 35656-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On September 30, 1938, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 cartons of candy at Boston, Mass.; alleging that the article had been shipped on or about January 19, 1937, by Peter Paul, Inc., from Naugatuck, Conn.; and charging adulteration in violation of the Food and Drugs Act. It was labeled in part, "Peter Paul's Chocolate Mints."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On February 13, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30133. Adulteration of crab meat. U. S. v. Irving H. Crocheron (Crocheron Bros. Packing Co.). Pleas of guilty. Fine, \$100 and costs. (F. & D. No. 42629. Sample Nos. 34036-D, 34151-D, 34152-D.)

This product contained evidence of the presence of filth.

On November 30, 1938, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Irving H. Crocheron, trading as Crocheron Bros. Packing Co., Crocheron, Md., alleging shipment by said defendant in violation of the Food and Drugs Act within the period from on or about July 7, 1938, to on or about July 28, 1938, from the State of Maryland into the State of Pennsylvania, of quantities of crab meat that was adulterated.

Adulteration was alleged in that the article consisted in whole or in part of a filthy animal substance, namely, filthy crab meat.

On January 20, 1939, the defendant entered a plea of guilty and the court imposed a fine of \$100 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30134. Adulteration of crab meat. U. S. v. William H. T. Coulbourne and Frederick S. Jewett (Coulbourne & Jewett). Pleas of guilty. Fine, \$100. (F. & D. No. 42610. Sample Nos. 34129-D, 34137-D.)

This product contained evidence of the presence of filth.

On November 30, 1938, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William H. T. Coulbourne and Frederick S. Jewett, copartners, trading as Coulbourne & Jewett, St. Michaels, Md., alleg-

ing shipment by said defendants in violation of the Food and Drugs Act on or about June 29 and July 13, 1938, from the State of Maryland into the States of Delaware and New Jersey of quantities of crab meat that was adulterated.

Adulteration was alleged in that the article consisted in whole and in part of a filthy animal substance.

On January 20, 1939, the defendants entered pleas of guilty and the court imposed a fine of \$200. On January 24, judgment was reconsidered and the fine was reduced to \$100.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30135. Adulteration and misbranding of butter. U. S. v. Fairmont Creamery Co. Plea of nolo contendere. Fine, \$35. (F. & D. No. 42598. Sample Nos. 26129-D, 26130-D.)

This product contained less than 80 percent by weight of milk fat.

On January 9, 1939, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Fairmont Creamery Co., a corporation trading at Moorhead, Minn., alleging shipment by said company in violation of the Food and Drugs Act, on or about July 1, 1938, from the State of Minnesota into the State of New York of a quantity of butter which was adulterated and misbranded.

Adulteration was alleged in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as prescribed by the act of March 4, 1923.

Misbranding was alleged in that the statement "butter," borne on the boxes and tubs containing the article, was false and misleading since the said statement represented that the article was butter, namely, a product which should contain not less than 80 percent by weight of milk fat; whereas it contained less than 80 percent by weight of milk fat.

On January 9, 1939, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$35.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30136. Adulteration of strawberry jam and strawberry preserves. U. S. v. Starr Fruit Products Co. Plea of guilty. Fine, \$300. (F. & D. No. 42589. Sample Nos. 17656-D, 18124-D, 18135-D, 18136-D.)

These products contained excessive mold, indicating that they were made in part from moldy berries.

On November 3, 1938, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Starr Fruit Products Co., a corporation, Portland, Oreg., alleging shipment by said company in violation of the Food and Drugs Act within the period from on or about April 11, 1938, to on or about April 22, 1938, from the State of Oregon into the State of California, of quantities of strawberry jam and strawberry preserves which were adulterated. The jam was labeled in part: "O. K. Brand Pure Strawberry Jam Packed for Stiefvaters, San Francisco." The preserves were labeled in part: "Sun-Blessed * * * Pure Strawberry Preserves * * * Distributed by Jacobson-Shealy Co. Inc., San Francisco."

The articles were alleged to be adulterated in that they consisted in part of a decomposed vegetable substance, namely, moldy strawberries.

On December 15, 1938, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$300.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30137. Misbranding of canned cherries. U. S. v. 89 Cases and 19 Cases of Cherries. Default decree of condemnation. Product ordered delivered to a welfare organization. (F. & D. Nos. 44362, 44363. Sample Nos. 30945-D, 30946-D.)

This product was substandard because of excessive pits, and it was not labeled to indicate that it was substandard.

On November 17, 1938, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 108 cases of canned cherries at Durango, Colo., consigned by Geo. W. Goddard Co.; alleging that the article

had been shipped in interstate commerce in part on or about August 25, 1938, and in part on or about October 1, 1938, from Ogden, Utah; and charging misbranding in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Smith Brand * * * Distributed by Smith Canning Company Clearfield, Utah." The remainder was labeled in part: "Gateway Brand * * * Perry Canning Co. Perry Utah Packers and Distributors."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since there was present more than 1 cherry pit per 20 ounces of net contents and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On February 10, 1939, no claim having been entered, judgment of condemnation was entered and the product was ordered delivered to a welfare organization.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30138. Adulteration of tomato puree. U. S. v. 22 Cases and 7 Cases of Tomato Puree. Default decrees of condemnation and destruction. (F. & D. Nos. 44271, 44272. Sample Nos. 35664-D, 35665-D.)

This product contained excessive mold.

On November 2, 1938, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 29 cases of tomato puree at Springfield, Mass.; alleging that the article had been shipped in part on or about September 17, 1938, and in part on or about September 28, 1938, by Gervas Canning Co., Inc., from Fredonia, N. Y.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Gervas Brand Tomato Puree."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On February 13, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30139. Misbranding of canned cherries. U. S. v. 150 Cases of Cherries. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 44653. Sample No. 20372-D.)

This product was substandard because it was packed in water and a portion contained excessive pits, and it was not labeled to indicate that it was substandard.

On January 9, 1939, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 150 cases of canned cherries at Los Angeles, Calif.; alleging that the article had been shipped in interstate commerce on or about November 16, 1938, by Producers Cooperative Packing Co. from Salem, Oreg.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Nature's Finer Flavor Brand Red Sour Pitted Cherries * * * Packed For M. A. Newmark & Co., Los Angeles, Calif."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since it was packed in water and contained excessive pits, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On February 7, 1939, the Producers Cooperative Packing Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled in compliance with the law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30140. Adulteration of shrimp. U. S. v. 5,000 Pounds of Shrimp. Decree of condemnation. Product released under bond. (F. & D. No. 44647. Sample No. 20590-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be in part decomposed.

On December 23, 1938, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in

the district court a libel praying seizure and condemnation of 5,000 pounds of shrimp at Los Angeles, Calif.; alleging that the article had been shipped on or about December 20, 1938, by the Pacific Brokerage Co. from Nogales, Ariz.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted in whole or in part of a decomposed animal substance.

On January 3, 1939, Louis Gayou, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that the unfit portion be segregated and disposed of according to law. The decomposed shrimp was destroyed under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30141. Adulteration of soy flour. U. S. v. 26 Bags of Soy Flour. Default decree of condemnation and destruction. (F. & D. No. 44540. Sample No. 37059-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On December 16, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 bags of soy flour at San Francisco, Calif.; alleging that the article had been shipped on or about June 16, 1938, by the A. E. Staley Manufacturing Co. from Decatur, Ill.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Staley's No. 1 Soy Flour."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On February 8, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30142. Adulteration of doughnut and waffle mixtures. U. S. v. 5 barrels, et al., of Waffle and Doughnut Mixtures. Decree of condemnation. Products released under bond conditioned that they be disposed of for purposes other than human consumption. (F. & D. Nos. 44505 to 44519, incl. Sample Nos. 36094-D, 36095-D, 36097-D to 36104-D, incl., 36107-D, 36108-D, 43232-D, 43342-D, 43343-D.)

These products, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, were found to be insect-infested.

On December 16, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 347 barrels of doughnut and waffle mixtures at San Francisco, Calif.; alleging that the articles had been shipped by the Doughnut Corporation of America from Baltimore, Md., within the period from on or about January 15, 1938, to on or about July 16, 1938; and charging adulteration in violation of the Food and Drugs Act. The articles were labeled in part, variously: "Marvel Waffle Mixture," "Doughnut Mixture Stafresh," "Mayflower Doughnut Mixture," "Doco Pride Donut Mix," "Doughnut Mixture Supreme," and "Doughnut Mixture Wheato."

Adulteration was alleged in that the articles consisted in whole or in part of filthy vegetable substances.

On January 30, 1939, the Doughnut Corporation of America having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be disposed of for some purpose other than human consumption.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30143. Adulteration and misbranding of lemon extract. U. S. v. 94 Bottles of Lemon Extract. Default decree of condemnation and destruction. (F. & D. No. 43954. Sample No. 3306-D.)

This product contained about 1 percent of added citral and the vehicle contained a large proportion of isopropyl alcohol.

On September 22, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 94 bottles of lemon extract at Fort Mason, Calif.; alleging that the article had been shipped in

interstate commerce on or about May 28, 1938, by De Calais Laboratories, Inc., from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Perfection Brand Pure Lemon Extract * * * R. C. Williams & Co., Inc. Distributors New York."

It was alleged to be adulterated in that a substance containing isopropyl alcohol and citral had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for it. Adulteration was alleged for the further reason that the article contained an added poisonous or deleterious ingredient, isopropyl alcohol, which might have rendered it injurious to health.

It was alleged to be misbranded in that the statement "Pure Lemon Extract" was false and misleading and tended to deceive and mislead the purchaser when applied to an article which contained added citral and isopropyl alcohol.

On February 8, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30144. Adulteration of sea perch, red perch, and perch fillets. U. S. v. 15 Cases of Sea Perch (and 3 other seizure actions). Decrees of condemnation and destruction. (F. & D. Nos. 44697, 44698, 44699, 44719, 44737, 44738. Sample Nos. 29196-D, 29198-D, 29199-D, 41101-D, 41107-D, 41115-D, 41118-D, 41119-D, 41130-D.)

These products had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination portions were found to be infested with parasitic worms, and portions were in part decomposed.

On January 20, 23, and 27, 1939, the United States attorneys for the District of Colorado and the Northern District of Georgia, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 15 cases of sea perch, 95 cases of red perch, and 233 boxes of red perch fillets at Denver, Colo., and 310 boxes of red perch and 40 boxes of perch fillets at Atlanta, Ga., consigned by Booth Fisheries Corporation; alleging that the articles had been shipped within the period from on or about March 23 to on or about December 28, 1938, from Boston, Mass.; and charging adulteration in violation of the Food and Drugs Act.

The articles were alleged to be adulterated in that certain portions consisted wholly or in part of a filthy animal substance, and other portions consisted wholly or in part of a decomposed animal substance.

On January 23 and February 1, 1939, no claim having been interposed, judgments of condemnation were entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30145. Adulteration of shell eggs. U. S. v. Samuel Barnett (Liberty Trading Co.). Plea of guilty. Fine, \$200. Payment suspended and defendant ordered to keep in touch with this Department in regard to dealings in eggs. (F. & D. No. 42554. Sample No. 12227-D.)

This product was in whole or in part decomposed.

On August 26, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Samuel Barnett, trading as the Liberty Trading Co., Plainfield, N. J., alleging shipment by said defendant in violation of the Food and Drugs Act on or about April 13, 1938, from the State of New Jersey into the State of New York, of a quantity of shell eggs that were adulterated.

Adulteration was alleged in that the article consisted in whole or in part of a filthy and decomposed animal substance.

On December 1, 1938, the defendant entered a plea of guilty and the court imposed a fine of \$200. Payment of fine was suspended, and the defendant was ordered to keep in touch with this Department for a period of 2 years in regard to his dealings in eggs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30146. Misbranding of mayonnaise. U. S. v. 13 Cases of Mayonnaise. Default decree of condemnation and destruction. (F. & D. No. 44257. Sample No. 25611-D.)

This product was short of the declared volume.

On October 31, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 cases of mayonnaise at

New Brunswick, N. J.; alleging that the article had been shipped in interstate commerce on or about August 26, 1938, by Bronson Foods, Inc., from Philadelphia, Pa.; and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled: "Hub City Pure Mayonnaise Contents One Pint Lefkowitz Elias Company New Brunswick, N. J., Distributors."

It was alleged to be misbranded in that the statement "Contents One Pint" was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short volume; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On February 4, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30147. Adulteration of prunes. U. S. v. 40 Boxes of Oregon Italian Prunes. Default decree of condemnation and destruction. (F. & D. No. 44618. Sample No. 42101-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be infested with mites.

On January 3, 1939, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 boxes of prunes at Philadelphia, Pa.; alleging that the article had been shipped on or about October 19, 1937, from San Francisco, Calif., by the Atlas Mercantile Co.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Nonpareil Brand Oregon Italian Prunes Packed For Frank E. Falk San Francisco."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On January 24, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30148. Adulteration of lake herring. U. S. v. 41 Kegs of Fish in Brine. Default decree of condemnation and destruction. (F. & D. No. 44560. Sample No. 29186-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be in part decomposed.

On December 20, 1938, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 41 kegs of fish at Atlanta, Ga.; alleging that the article had been shipped on or about December 10, 1938, by Opelika Wholesale Grocery Co. from Opelika, Ala.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "The Dormer Company Menominee Mich. * * * Superior Lake Herring."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed and putrid animal substance.

On January 7, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30149. Adulteration of canned tomato puree. U. S. v. 24 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. No. 44236. Sample No. 32902-D.)

This product contained excessive mold.

On October 27, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 cases of canned tomato puree at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about September 17, 1938, by Michigan Fruit Cannery, Inc., from Benton Harbor, Mich.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On January 13, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30150. Misbranding of canned cherries. U. S. v. Five Cases of Cherries. Default decree of condemnation and destruction. (F. & D. No. 43872. Sample No. 30140-D.)

This product was substandard because of the presence of excessive pits, and it was not labeled to indicate that it was substandard.

On September 13, 1938, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five cases of canned cherries at Wilkes-Barre, Pa.; alleging that the article had been shipped in interstate commerce on or about July 25, 1938, by the Quaker Maid Co. from Brockport, N. Y.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "A. & P. Red Sour Pitted Cherries * * * Packed for the Great Atlantic & Pacific Tea Co., New York, N. Y. Distributors."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since there was present more than 1 cherry pit per 20 ounces of net contents, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On February 2, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30151. Adulteration and misbranding of imitation strawberry jam. U. S. v. 9 Cases, 29 Cases, and 14 Cases of Imitation Strawberry Jam. Consent decrees of condemnation and destruction. (F. & D. Nos. 44722, 44769, 44808. Sample Nos. 36036-D, 36134-D, 43361-D.)

This product contained excessive mold and a portion was short weight.

On January 24 and February 2 and 8, 1939, the United States attorney for the District of Hawaii, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 52 cases of imitation strawberry jam, in part at Honolulu, and in part at Hilo, T. H.; alleging that the article had been shipped within the period from on or about December 22, 1938, to on or about January 23, 1939, by Kockos Bros. Ltd., from San Francisco, Calif.; and charging adulteration of the former lot and misbranding of the latter, in violation of the Food and Drugs Act as amended. The article was labeled in part: "Five Brothers Fine Quality Imitation Strawberry Jam Net Weight 2 Lbs. * * * Enjoy Packing Co. San Francisco, Calif."

Adulteration of all lots was alleged in that the article consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

One lot was alleged to be misbranded in that the statement "Net Weight 2 Lbs." was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was incorrect.

On January 25, February 4, and February 20, 1939, the shipper having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30152. Adulteration of lobster tails. U. S. v. 13 Boxes of Lobster Tails. Default decree of condemnation and destruction. (F. & D. Nos. 44580, 44581. Sample No. 34927-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be in whole or in part decomposed.

On December 23, 1938, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 boxes of lobster tails at Baltimore, Md.; alleging that the article had been shipped on or about October 9, 1938, by M. Feigenbaum & Sons from Pittsburgh, Pa.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Captail Brand Tails Product of Union of South Africa Langoustes."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed and putrid animal substance.

On January 24, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture*

30153. Adulteration of cream. U. S. v. Four 10-Gallon Cans and One 5-Gallon Can of Cream (and three other seizure actions against the same product.) Default decrees of condemnation and destruction. (F. & D. Nos. 44771 to 44774, inclusive. Sample Nos. 30684-D, 31123-D, 31124-D, 41136-D.)

This product was in whole or in part filthy and decomposed.

On January 25, 1939, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 13 cans of cream at Denver, Colo.; alleging that the article had been shipped in interstate commerce in various shipments on or about January 21, 22, and 23, 1939, by E. M. Lewis from Abbott, N. Mex., G. L. Woods from Elsie, Nebr., Florsheim Merc. Co. from Springer, N. Mex., Ray Rentfro from Bushnell, Nebr., R. A. Cealins from Lyman, Nebr., Clarence Tipton from Silverton, Tex., Ray Cross from Edison, Nebr., Mrs. E. R. Schultz from Hartley, Tex., J. M. Thompson from Silverton, Tex., G. W. Corns from Norton, Kans., R. L. Carter from Silverton, Tex., Wilbur Dutton from Melbeta, Nebr., and Campbell Produce Co. from Benkelman, Nebr.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On January 25, 1939, the consignees having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture*

30154. Adulteration of cream of rice. U. S. v. 500 Cartons, 1,000 Cartons, and 100 Cases of Cream of Rice (and 2 other seizures of the same product). Decrees of condemnation. Portion of product released under bond to be disposed of for animal feed. Remainder destroyed. (F. & D. Nos. 44135, 44136, 44137, 44275, 44356. Sample Nos. 39731-D, 39732-D, 39733-D, 39742-D, 39747-D, 43441-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On October 11, November 1, and November 17, 1938, the United States attorneys for the Western District of Washington and the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,500 cartons and 900 cases of cream of rice at Seattle, Wash., and 120 cases of cream of rice at San Francisco, Calif.; alleging that the article had been shipped in part by the Cream of Rice Co., from New Orleans, La., to Seattle, Wash., on or about August 26, 1938, and from New Orleans to San Francisco, Calif., on or about September 10, 1938; and in part by Raft & Suydan from San Francisco to Seattle on or about October 14, 1938; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On January 13, 1939, the libels filed at Seattle, Wash., having been consolidated and the Grocery Store Products Sales Co., Inc., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be used in the manufacture of animal feed. On January 14, 1939, no claim having been entered for the lot seized at San Francisco, judgment of condemnation was entered and the lot was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture*

30155. Adulteration and misbranding of flavors. U. S. v. Outlet Merchandise Co. and Samuel Koffler. Pleas of guilty. Fine of \$25 on the corporation and a fine of \$1 on the individual defendant. (F. & D. No. 42601. Sample Nos. 1036-D, 12281-D, 12283-D, 12285-D, 14213-D to 14217-D, inclusive.)

This case involved the following: A product sold as vanilla flavor or vanilla, which was not true vanilla flavor since its flavoring strength was derived from vanillin and coumarin, and which was artificially colored and possessed from one-sixth to one-half the flavoring strength of true vanilla flavor; and other products sold as orange and lemon flavors, which contained approximately 30

percent of the amount of orange or lemon oil that products so designated should contain, and which were artificially colored.

On December 12, 1938, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Outlet Merchandise Co., a corporation, Boston, Mass., and Samuel Koffler, an officer of said corporation, alleging shipment by said defendants on various dates within the period from December 29, 1937, to March 16, 1938, from the State of Massachusetts into the States of Rhode Island and New York of quantities of flavors which were adulterated and misbranded in violation of the Food and Drugs Act. Certain lots were labeled in part: "Lane's Vanilla Flavor [or "Pure Orange Flavor" or "Pure Lemon Flavor"] Distributed by Lane Products Boston, Mass. [or "Packed For Lane Products Co.]." Other lots were labeled: (Carton) "From Outlet Merchandise Co. Vanilla [or "Orange"]." Some lots were unlabeled.

The vanilla flavor was alleged to be adulterated in that a substance that did not contain the soluble matters from not less than 10 grams of vanilla beans in each 100 cubic centimeters of the substance, was colored with caramel and contained vanillin and coumarin from which its flavor was derived, had been substituted for vanilla flavor, a substance which should contain the soluble matters from not less than 10 grams of vanilla beans in each 100 cubic centimeters. It was alleged to be adulterated further in that it was inferior to vanilla flavor and its inferiority was concealed through the presence of caramel that caused its color to simulate that of vanilla flavor.

Misbranding of all lots of the vanilla flavor and vanilla, with one exception, was alleged in that the statements "Vanilla Flavor" and "Vanilla," borne on the labels, were false and misleading and in that the article was sold under the name of another article. One unlabeled lot of vanilla was alleged to be misbranded in that it was inferior to vanilla and its inferiority was concealed through the presence of caramel that caused its color to simulate that of vanilla flavor.

The orange and lemon flavors were alleged to be adulterated in that substances that contained not more than 1.5 percent by volume of oil of orange or oil of lemon, artificially colored to simulate orange or lemon flavors in color, had been substituted for pure orange flavor or pure lemon flavor, respectively, products which should contain not less than 5 percent of oil of orange or oil of lemon. Adulteration was alleged further in that the articles were inferior to pure orange or pure lemon flavors and their inferiority was concealed through the presence of artificial coloring that caused them to simulate the color of orange and lemon flavors.

Misbranding of the orange and lemon flavors was alleged in that the statements, "Pure Orange Flavor," "Pure Lemon Flavor," "Orange," and "Lemon," borne on the labels, were false and misleading. These flavors were alleged to be misbranded further in that they were sold under the names of other articles.

On January 18, 1939, pleas of guilty were entered on behalf of the defendants, and the court imposed a fine of \$25 on the corporation and a fine of \$1 on Samuel Koffler.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30156. Adulteration of flour. U. S. v. 132 Bags of Flour. Product ordered released under bond to be denatured and disposed of for animal feed. (F. & D. No. 44239. Sample No. 34511-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On November 2, 1938, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 132 bags of flour at Richmond, Va.; alleging that the article had been shipped on or about March 24, 1938, by the Atkinson Milling Co. from Minneapolis, Minn.; and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Strongheart First Clear Flour."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On January 9, 1939, the Atkinson Milling Co. having appeared as claimant, judgment was entered ordering that the product be released under bond conditioned that it be denatured under the supervision of this Department and disposed of for animal feed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30157. Adulteration of apples. U. S. v. 22 Bushels and 27 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. Nos. 44489, 44490. Sample Nos. 33527-D, 33528-D.)

This product bore arsenic and lead spray residue.

On October 27, 1938, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 49 bushels of apples at Arlington, Iowa; alleging that the article had been shipped in interstate commerce on or about October 12, 1938, from Lawrence, Mich., by Alvin Burrack to himself at Arlington, Iowa; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Cleaned Apples R Manley, Lawrence, Mich."

It was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead spray residue, which might have rendered it injurious to health.

On January 6, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30158. Adulteration of apples. U. S. v. 185 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 44544. Sample No. 45945-D.)

This product bore arsenic and lead spray residue.

On October 28, 1938, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 185 bushels of apples at Calmar, Iowa; alleging that the article had been shipped in interstate commerce on or about October 24, 1938, by Morris J. Cohen from South Haven, Mich.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead spray residue, which might have rendered it injurious to health.

On January 6, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30159. Adulteration of cranberry sauce. U. S. v. 529 Cans of Cranberry Sauce. Default decree of condemnation and destruction. (F. & D. No. 44526. Sample No. 34726-D.)

This product contained excessive mold.

On December 14, 1938, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 529 cans of cranberry sauce at Baltimore, Md.; alleging that the article had been shipped in interstate commerce on or about October 27, 1938, by C. & E. Cannery from Folsom, N. J.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Bog Glow Brand Cranberry Sauce."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On January 5, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30160. Adulteration of almonds in shell. U. S. v. 12 Sacks of Almonds. Product released under bond to be reconditioned. (F. & D. No. 44359. Sample No. 31736-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages was found at the time of examination to be worm-infested and moldy.

On November 15, 1938, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 sacks of almonds at Buffalo, N. Y.; alleging that the article had been shipped on or about October 20, 1938, by Herman Fisher from San Francisco, Calif.; and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Fisher's Brand * * * California Nonpareils."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy and decomposed vegetable substance.

On January 26, 1939, Herman C. Fisher Co., having appeared as claimant, judgment was entered ordering that the product be released under bond to be reconditioned under the supervision of this Department to conform to the provisions of the Food and Drugs Act.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30161. Adulteration of butter. U. S. v. Four 50-Pound Boxes of Butter. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. & D. No. 44610. Sample No. 41662-D.)

This product contained less than 80 percent of milk fat.

On December 22, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four 50-pound boxes of butter at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce on or about December 14, 1938, by Falls City Creamery Co. from Falls City, Nebr.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

On January 16, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30162. Adulteration of butter. U. S. v. 23 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 44473. Sample Nos. 19759-D, 44766-D.)

This product contained less than 80 percent of milk fat.

On November 29, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 tubs of butter at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about November 19, 1938, by Land O'Lakes Creamery, Inc., from Minneapolis, Minn.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by act of March 4, 1923.

On December 22, 1938, Land O'Lakes Creameries, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30163. Misbranding of butter. U. S. v. Four Cases of Butter. Default decree of condemnation and destruction. (F. & D. No. 44573. Sample No. 50206-D.)

This product was short weight.

On December 7, 1938, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four cases of butter at Birmingham, Ala.; alleging that the article had been shipped in interstate commerce on or about November 30, 1938, by Swift & Co. from West Point, Miss.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Swift's Brookfield Butter Made From Pasteurized Cream 1 Lb. Net Weight."

It was alleged to be misbranded in that the statements on the labels, (wrapper) "1 Lb. Net Weight" and (case) "32 Lbs. Net," were false and misleading and deceived and misled the purchaser; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On February 2, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30164. Adulteration of apples. U. S. v. 10 Bushels of Apples. Consent decree of condemnation and destruction. (F. & D. No. 44424. Sample No. 4598-D.)

This product was contaminated with arsenic and lead.

On November 3, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 bushels of apples at Glenview, Ill.; alleging that the article had been shipped in interstate commerce on or about October 27, 1938, from Bangor, Mich., by Joseph Joerlicki to himself at Glenview, Ill.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On December 7, 1938, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30165. Adulteration of fish roe. U. S. v. Five Tubs and Seven Tubs of Fish Roe (and one other seizure action against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 44578, 44579, 44614. Sample Nos. 26997-D, 44113-D, 44114-D.)

This product contained parasitic worms.

On December 28, 1938, and on January 3, 1939, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 17 tubs of fish roe at New York, N. Y.; alleging that the article had been shipped in interstate commerce in part on or about December 6, 9, and 15, 1938, by Frank C. Calhoun from Northport, Mich.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On January 19 and 26, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30166. Adulteration of apple butter. U. S. v. 50 Cases of Apple Butter. Default decree of condemnation and destruction. (F. & D. No. 44244. Sample No. 20462-D.)

This product was in whole or in part insect-infested.

On October 31, 1938, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cases of apple butter at Phoenix, Ariz., consigned on or about August 31, 1938; alleging that the article had been shipped by Smart & Final Co., Ltd., from Wilmington, Calif.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Table Queen Brand Apple Butter Packed For Smart & Final Co. Ltd. California—Arizona—Nevada."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On January 10, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30167. Adulteration of frozen whole eggs. U. S. v. 842 Cans of Frozen Whole Eggs. Consent decree of condemnation. Product released under bond for segregation and destruction of unfit portion. (F. & D. No. 44445. Sample Nos. 12132-D, 12133-D.)

This product, which had been shipped in interstate commerce and remained unsold in the original packages at the time of examination, was found to be in part decomposed.

On December 2, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 842 cans of frozen whole eggs at Newark, N. J.; alleging that the article had been shipped on or about November 10, 1938, from Louisville, Ky., by Armour Creameries; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted in whole or in part of a decomposed animal substance.

On January 12, 1939, Armour & Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was released under bond conditioned that the good portion be separated from the bad and the latter destroyed or denatured.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30168. Adulteration of flour. U. S. v. 105 Sacks and 80 Sacks of Flour. Default decree of condemnation and destruction. (F. & D. Nos. 44120, 44121. Sample Nos. 38161-D, 38162-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On October 10, 1938, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 185 sacks of flour at Dothan, Ala.; alleging that the article had been shipped on or about April 6, 1938, by the Mountain City Mill Co. from Chattanooga, Tenn.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Gold Medal Flour."

Adulteration was alleged in that the article consisted wholly or in part of a filthy vegetable substance.

On January 13, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30169. Adulteration of cream. U. S. v. Two 5-Gallon Cans and One 10-Gallon Can of Cream (and three other seizure actions against the same product). Consent decrees of condemnation and destruction. (F. & D. Nos. 44813 to 44816, inclusive. Sample Nos. 30685-D, 30686-D, 31125-D, 41141-D.)

This product was found to be in various stages of decomposition.

On January 30, 1939, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of three 5-gallon cans and four 10-gallon cans of cream at Denver, Colo.; alleging that the article had been shipped in interstate commerce on or about January 25, 26, and 27, 1939, by various shippers as follows: J. E. Tucker from Melrose, N. Mex., J. F. Fostenow from Sidney, Nebr., Bessie Knight from Benkelman, Nebr., J. H. Smith from Hawk Springs, Wyo., J. Willman from Douglas, Wyo., Arthur Damrow from Torrington (Fort Laramie), Wyo., and Ora A. King from Ashby, Nebr.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On January 30, 1939, the consignees having consented to destruction of the product, judgments of condemnation and destruction were entered.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30170. Adulteration of rice. U. S. v. 18 Sacks of Rice. Default decree of condemnation and destruction. (F. & D. No. 44419. Sample No. 39393-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On November 26, 1938, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 sacks of rice at Seattle, Wash.; alleging that the article had been shipped on or about August 30, 1938, by Texas Rice Milling Co. from Houston, Tex.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Extra Fancy Long Grain Uncoated Head Rice."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On January 24, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30171. Adulteration of shrimp. U. S. v. 352 Cases of Fresh Shrimp. Consent decree of condemnation. Product released under bond for segregation and destruction of unfit portion. (F. & D. No. 44663. Sample No. 20592-D.)

This product, which had been imported, at the time of examination was found to be in part decomposed.

On December 28, 1938, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 352 cases of shrimp at Los Angeles, Calif.; alleging that the article had been shipped from Navojoa, Sonora, Mex., through Nogales, Ariz., by Speciedad Cooperative De Pescadonas, on or about December 23, 1938; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Fresh Shrimp Product of Mexico."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On December 30, 1938, the Pacific Food Products Co., Los Angeles, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that the good be separated from the bad and the latter destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30172. Adulteration of apples. U. S. v. 22 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 44492. Sample No. 46027-D.)

This product was contaminated with arsenic and lead.

On or about November 10, 1938, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 bushels of apples at Terre Haute, Ind.; alleging that the article had been shipped in interstate commerce on or about November 1, 1938, from Benton Harbor, Mich., by the Terre Haute Commission Co. to itself at Terre Haute, Ind.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Olaf Olson South Haven, Mich Golden Del."

It was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On January 9, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30173. Adulteration of flour. U. S. v. 23 Bags of Flour. Default decree of condemnation and destruction. (F. & D. No. 44600. Sample No. 50219-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to contain insects and insect fragments.

On December 28, 1938, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 bags of flour at Gadsden, Ala.; alleging that the article had been shipped in part on or about April 21 and in part on or about August 13, 1938, from Hopkinsville, Ky., by the Acme Mills; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Cardinal-Flour Fancy Patent."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On February 1, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30174. Adulteration of shrimp. U. S. v. 16 Cases and 3 Cases of Frozen Shrimp. Consent decree of condemnation and destruction. (F. & D. No. 44669. Sample No. 27474-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be in whole or in part decomposed.

On January 13, 1939, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court

a libel praying seizure and condemnation of 19 cases of frozen shrimp at Denver, Colo., consigned by Mid-Central Fish Co.; alleging that the article had been shipped on or about August 18, 1938, from Kansas City, Mo.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed and putrid animal substance.

On January 23, 1939, the Mid-Central Fish Co. having signed an authorization for taking final decree, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30175. Adulteration of candy. U. S. v. 12 Cartons of Candy. Default decree of condemnation and destruction. (F. & D. No. 44040. Sample No. 35655-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On September 30, 1938, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 cartons of candy at Boston, Mass.; alleging that the article had been shipped on or about October 25, 1937, by D. Goldenberg, Inc., from Philadelphia, Pa.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On February 13, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30176. Misbranding of peanut butter. U. S. v. John D. Johnston, Jr. (J. D. Johnston, Jr. Co.). Plea of guilty. Fine, \$100. (F. & D. No. 42604. Sample Nos. 16374-D, 16376-D, 24418-D, 24419-D, 29036-D.)

This product was short of the declared weight.

On January 25, 1939, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court an information against John D. Johnston, Jr., trading as J. D. Johnston, Jr. Co., Brundidge, Ala., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, within the period from on or about March 4, 1938, to on or about April 7, 1938, from the State of Alabama into the States of Louisiana, Tennessee, and Georgia of quantities of peanut butter that was misbranded. The article was labeled in part: (Jars) "Johnston's * * * Peanut Butter * * * Packed by J. D. Johnston Jr. Co. Inc."; or "Harvest Moon * * * Packed For Harvest Products Co. Atlanta, Georgia."

It was alleged to be misbranded in that the statements, "32 Oz. [or "8 Oz." or "16 Oz."] Net Wt. When Packed," and "Contents 16 Oz.," borne on the jars, and "8 Oz. and "16 Oz.," borne on certain of the cases, were false and misleading and were borne on said jars and cases so as to deceive and mislead the purchaser, since the jars contained less than the amounts stated. Misbranding was alleged further in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On February 10, 1939, the defendant entered a plea of guilty and the court imposed a fine of \$100.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30177. Adulteration of canned shad. U. S. v. 81 Cases and 123 Cases of Shad. Decree of condemnation. Product released under bond conditioned that unfit portion be destroyed. (F. & D. Nos. 44583, 44593. Sample Nos. 30400-D, 42086-D.)

This product was in part decomposed.

On December 27, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 204 cases of canned shad in part at Norristown, Pa., and in part at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce on or about May 19, 1938, by F. E. Booth Co., Inc., from Oakland, Calif.; and charging adulteration

in violation of the Food and Drugs Act. The article was labeled in part: "Booth's Crescent Brand Spring Pack Shad Packed at Pittsburg, Calif."

It was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On February 8, 1939, the cases having been consolidated and C. P. Dorr, San Francisco, Calif., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that the unfit portion be segregated and destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30178. Misbranding of cottonseed meal. U. S. v. Transit Milling Co. Plea of guilty. Fine, \$50. (F. & D. No. 42572. Sample No. 4150-D.)

This product contained a smaller percentage of crude protein than that declared on the label.

On October 3, 1938, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Transit Milling Co., a corporation, Sherman, Tex., alleging shipment by said company in violation of the Food and Drugs Act on or about April 20, 1938, from the State of Texas into the State of Kansas, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: "'Army' Brand Prime Quality 43% Protein Cottonseed Cake and Meal Manufactured For and Guaranteed By Louis Tobian & Company, Dallas, Texas."

Misbranding was alleged in that the statement "Crude Protein, not less than 43.00%," borne on the label, was false and misleading and was borne on the said label so as to deceive and mislead the purchaser, since the article contained less than 43 percent of crude protein.

On November 28, 1938, a plea of guilty was entered on behalf of the defendant, and the court imposed a fine of \$50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30179. Adulteration of canned salmon. U. S. v. Libby, McNeill & Libby. Plea of guilty. Fine, \$100 and cost. (F. & D. No. 39450. Sample Nos. 23743-C, 23766-C, 23787-C, 23796-C.)

This product was in whole or in part decomposed.

On June 30, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Libby, McNeill & Libby, a corporation, trading at Seattle, Wash., alleging shipment by said company in violation of the Food and Drugs Act, on or about September 24, 1936, from Craig, Alaska, into the State of Washington of a number of cases of canned salmon which was adulterated. A portion of the cases were labeled in part: "Happy-Vale Brand Pink Salmon Emery Food Co." The cans were unlabeled.

Adulteration was alleged in that the article consisted in whole and in part of a decomposed animal substance.

On January 21, 1939, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30180. Adulteration of canned oysters. U. S. v. 795 Cases of Oysters. Consent decree of condemnation. Product released under bond conditioned that unfit portion be destroyed. (F. & D. Nos. 44731, 44732. Sample Nos. 49978-D, 49979-D, 50225-D.)

This product was in part decomposed.

On January 26, 1939, The United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 795 cases of canned oysters at Harvey, La.; alleging that the article had been shipped in interstate commerce within the period from on or about March 5, 1938, to on or about May 17, 1938, by the Southern Shell Fish Co. from Biloxi, Miss.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On February 10, 1939, the Southern Shell Fish Co., Harvey, La., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the decomposed portion be segregated and destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30181. Adulteration of flour. U. S. v. 120 Sacks, 180 Sacks, 39 Sacks, and 10 Sacks of Flour. Default decree of condemnation and destruction. (F. & D. No. 44162. Sample No. 30673-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On October 13, 1938, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 349 sacks of flour at El Paso, Tex.; alleging that the article had been shipped on or about July 12, 1938, by Arkansas City Flour Mills Co. from Arkansas City, Kans.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Bleached Old Gold Full Flavored Flour."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On December 13, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30182. Adulteration and misbranding of whisky. U. S. v. 45 Cases, 15 Cases, and 15 Cases of Seaboard Whiskey. Default decree of condemnation and destruction. (F. & D. No. 37196. Sample No. 51616-B.)

This product was imitation whisky.

On February 12, 1936, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 75 cases of whisky at Washington, D. C.; alleging that the article had been shipped on or about January 23, 1936, by National Wholesale Liquor Co., Inc., from Baltimore, Md.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Seaboard Whiskey."

It was alleged to be adulterated in that an imitation whisky had been substituted for it.

It was alleged to be misbranded in that the name "Whiskey" was false and misleading and tended to deceive and mislead the purchaser when applied to an imitation whisky; and in that it was an imitation of and was offered for sale under the distinctive name of another article, whisky.

On February 9, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30183. Misbranding of cottonseed meal. U. S. v. Chickasha Cotton Oil Co. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 42526. Sample No. 4147-D.)

This product contained a smaller proportion of protein than that declared on the tag.

On July 12, 1938, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Chickasha Cotton Oil Co., a corporation trading at Altus, Okla., alleging shipment by said defendant in violation of the Food and Drugs Act on or about January 21, 1938, from the State of Oklahoma into the State of Kansas, of a quantity of cottonseed meal that was misbranded. The article was labeled in part: "Chickasha Quality."

It was alleged to be misbranded in that the statement "Protein not less than 43.00 Per Cent," borne on the tag, was false and misleading and tended to deceive and mislead the purchaser, since it contained not more than 39.38 percent of protein.

On August 10, 1938, the defendant entered a plea of guilty and the court imposed a fine of \$25 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30184. Misbranding of cottonseed screenings. U. S. v. Translt Milling Co. Plea of guilty. Fine, \$50. (F. & D. No. 40823. Sample No. 662-C.)

This product contained a smaller proportion of protein than that declared on the tag.

On April 29, 1938, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court

an information against the Transit Milling Co., a corporation, Sherman, Tex., alleging shipment by said defendant in violation of the Food and Drugs Act or on about October 30, 1937, from the State of Texas into the State of Kansas of a quantity of cottonseed screenings which were misbranded. The article was labeled in part: "Tranco Brand."

It was alleged to be misbranded in that the statement "Protein not less than 43%," borne on the tag, was false and misleading since it contained not more than 40.75 percent of protein.

On November 28, 1938, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30185. Adulteration of whisky. U. S. v. 7½ Cases and 41 Pint Bottles of Whisky and 1 other seizure against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 44538, 44556. Sample Nos. 34351-D, 34352-D, 34362-D, 34363-D.)

This product contained excessive quantities of an aldehyde.

On December 16 and December 20, 1938, the United States attorney for the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 7½ cases, each containing 12 quart bottles, 78 pint bottles, and 31 quart bottles of whisky at Washington, D. C.; alleging that the article had been shipped in interstate commerce by Philip Blum & Co., Inc., from Chicago, Ill., within the period from on or about October 8, 1938, to on or about October 24, 1938; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Old Curtis Brand * * * Straight Bourbon Whisky Bottled by Wakem & McLaughlin, Inc., Chicago, Ill. * * * Distilled by Tom Moore Distillery Co. Bardstown, Kentucky."

Adulteration was alleged in that a substance containing excessive quantities of an aldehyde had been mixed and packed with the article so as to reduce or lower its quality or strength and had been substituted wholly or in part for whisky, which the article purported to be.

On February 14, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30186. Adulteration of candy. U. S. v. Schuler Candy Co. Plea of nolo contendere. Fine, \$35. (F. & D. No. 39846. Sample Nos. 12793-C, 19819-C.)

This product contained glass in an amount which might have rendered it injurious to health.

On January 25, 1938, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Schuler Candy Co., a corporation, Winona, Minn., alleging shipment by said defendant in violation of the Food and Drugs Act, in part on or about March 10, 1937, and in part on or about March 11, 1937, from the State of Minnesota into the States of Wisconsin and Ohio of quantities of candy that was adulterated.

The article was alleged to be adulterated in that it contained an added deleterious ingredient, glass, which might have rendered it injurious to health.

On December 19, 1938, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$35.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30187. Adulteration and misbranding of ground ear corn. U. S. v. J. T. Gibbons, Inc. Plea of nolo contendere. Fine, \$100. (F. & D. No. 42531. Sample No. 10161-D.)

This product was represented to be ground ear corn, but consisted in part of other substances, namely, rice byproducts, sugarcane, bagasse, and ground calcium carbonate.

On July 20, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against J. T. Gibbons, Inc., New Orleans, La., alleging shipment by said corporation in violation of the Food and Drugs Act, in part on or about February 5, and in part on or about February 12, 1938, from the State of Louisiana into the State of Florida, of quantities of ground ear corn which was adulterated and misbranded. The article was labeled in part: "Sunrise Ground Ear Corn."

It was alleged to be adulterated in that rice byproducts, sugarcane, bagasse, and ground calcium carbonate had been substituted in part for ground ear corn, which it purported to be.

It was alleged to be misbranded in that the statements "Ground Ear Corn" and "Made from the Entire Ear of Corn in its Natural State," borne on the label, were false and misleading and tended to deceive and mislead the purchaser since the article did not consist solely of ground ear corn, but consisted in part of other substances.

On February 6, 1939, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$100.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30188. Adulteration of flour. U. S. v. 133 Bags of Flour. Consent decree of condemnation. Product released under bond to be denatured for use other than human consumption. (F. & D. No. 44050. Sample No. 26146-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On October 7, 1938, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 133 bags of flour at Brooklyn, N. Y.; alleging that the article had been shipped on or about June 3, 1938, by the New Era Milling Co. from Arkansas City, Kans.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Metropolitan * * * Satino Flour Mill & Grain Co., New York Distributors."

It was alleged to be adulterated in that it was insect-infested.

On January 10, 1939, Held Flour Co., Inc., a New York corporation, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be denatured and disposed of for purposes other than human consumption.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30189. Adulteration of flour. U. S. v. 175 Bags of Flour. Consent decree of condemnation. Product released under bond to be denatured for uses other than human consumption. (F. & D. No. 44127. Sample No. 26148-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On October 13, 1938, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 175 bags of flour at Brooklyn, N. Y., consigned on or about March 23, 1938; alleging that the article had been shipped by the Sperry Flour Co., Western Division General Mills, Inc., from Tacoma, Wash.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Booster Bakers Flour."

It was alleged to be adulterated in that it was insect-infested.

On January 10, 1939, the Coast Flour Corporation, claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be denatured and disposed of for uses other than human consumption.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30190. Misbranding of dairy feed. U. S. v. Thibault Milling Co. Plea of guilty. Fine, \$25. (F. & D. No. 42638. Sample No. 3909-D.)

This product contained less protein and less nitrogen-free extract than declared.

On January 4, 1939, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Thibault Milling Co., a corporation, Little Rock, Ark., alleging shipment by said defendant in violation of the Food and Drugs Act on or about April 26, 1938, from the State of Arkansas into the State of Texas of a quantity of dairy feed which was misbranded. The article was labeled in part: "T-Square Dairy Feed."

The article was alleged to be misbranded in that the statements, "Crude Protein, not less than 24.00%" and "Nitrogen Free Extract, not less than 63.00%,"

borne on the tag, were false and misleading and tended to deceive and mislead the purchaser, since it contained not more than 20.62 percent of crude protein, and not more than 40.79 percent of nitrogen-free extract.

On February 1, 1939, the defendant entered a plea of guilty and the court imposed a fine of \$25.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30191. Misbranding of canned apricots. U. S. v. 54 Cases of Apricots. Default decree of condemnation and destruction. (F. & D. No. 44438. Sample No. 30961-D.)

This product fell below the standard established by the Department because the fruit was not in unbroken halves; and it was not labeled to show that it was substandard since a large proportion of the cans bore no substandard legend and in the case of those cans which bore the legend, it was not on a uniform background as required by regulations.

On November 29, 1933, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 43 cases of canned apricots at Clayton, N. Mex.; alleging that the article had been shipped in interstate commerce on or about October 27, 1938, by H. D. Olson from Ogden, Utah; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Utah's Pride Apricots * * * Packed by the North Ogden Canning Co. North Ogden, Utah."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the fruit was not in unbroken halves and its package label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On February 9, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30192. Adulteration of walnut meats. U. S. v. Three and One-half Cartons of Walnut Meats. Default decree of condemnation and destruction. (F. & D. No. 44539. Sample No. 50543-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be moldy and worm-eaten.

On or about December 16, 1938, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 3½ cartons of walnut meats at Spokane, Wash.; alleging that the article had been shipped on or about November 25, 1938, by Western Nut Shelling Co., from Los Angeles, Calif.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy and decomposed vegetable substance.

On February 10, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30193. Adulteration of oysters. U. S. v. 270 Pints of Oysters. Default decree of condemnation and destruction. (F. & D. No. 44655. Sample No. 10704-D.)

This product contained added water.

On January 10, 1939, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 270 pints of oysters at Wilkes-Barre, Pa.; alleging that the article had been shipped in interstate commerce in part on or about January 2, 1939, and in part on or about January 4, 1939, by M. L. Tull & Bro. from Crisfield, Md.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that water had been mixed and packed with it so as to reduce or lower its quality; and in that water had been substituted in whole or in part for the article.

On February 18, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30194. Adulteration and misbranding of vanilla extract. U. S. v. 3,216 Bottles of Vanilla Extract. Decree of condemnation. Product released under bond to be relabeled. (F. & D. Nos. 44530, 44531. Sample Nos. 41632-D, 41633-D.)

This product was represented to be pure vanilla extract; whereas it was a hydroalcoholic solution of artificial vanilla flavor containing little or no true vanilla extract.

On December 15, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 3,216 bottles of vanilla extract at Lancaster, Pa.; alleging that the article had been shipped in interstate commerce on or about November 14, 1938, by Certified Extracts, Inc., from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Plee-Zing Pure Vanilla Extract."

It was alleged to be adulterated in that a hydroalcoholic solution of artificial vanilla flavor which contained little or no true vanilla extract had been substituted in whole or in part for pure vanilla extract, which it purported to be; and in that it had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged in that the statement "Guaranteed to comply with all state and national pure food laws" was misleading since it created the impression that the article had been examined and approved by the Government; that the Government guaranteed that it complied with the law, and that it did so comply, whereas it had not been approved, was not guaranteed by the Government, and did not comply with the law. Misbranding was alleged further in that the statement, (carton) "Pure Vanilla Extract This Extract is carefully prepared from the purest ingredients," and (bottle) "Pure Vanilla Extract," were false and misleading and tended to deceive and mislead the purchaser when applied to an article that was a hydroalcoholic solution of artificial vanilla flavor which contained little or no true vanilla extract; and in that it was an imitation of and was offered for sale under the distinctive name of another article.

On January 30, 1939, Certified Extracts, Inc., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30195. Adulteration and misbranding of wheat gray shorts and screenings. U. S. v. Mrs. Harriet E. Hacker, William T. Hacker, Mrs. Charles F. Sprague, Jr., and Mrs. George Crist (Hacker Flour Mills). Plea of guilty. Fine. \$26 and costs. (F. & D. No. 42621. Sample Nos. 3906-D, 3907-D, 3908-D.)

Wheat brown shorts and screenings had been substituted in whole or in part for this product. It contained more crude fiber than declared on the tag and one lot contained less crude protein than declared.

On December 5, 1938, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Mrs. Harriet E. Hacker, William T. Hacker, Mrs. Charles F. Sprague, Jr., and Mrs. George Crist, copartners trading as Hacker Flour Mills, Jefferson, Okla., alleging shipment by said defendants in violation of the Food and Drugs Act, within the period from on or about March 7, 1938, to on or about May 3, 1938, from the State of Oklahoma into the State of Texas, of quantities of wheat gray shorts and screenings which were adulterated and misbranded.

The article was alleged to be adulterated in that wheat brown shorts and screenings had been substituted in whole or in part for wheat gray shorts and screenings.

It was alleged to be misbranded in that the statements on the tags, "Wheat Gray Shorts and Screenings" and "Crude Fiber not more than 6.00 per cent," with respect to all lots and the statement "Crude Protein not less than 17.00 Per Cent" with respect to one lot, were false and misleading and were borne on the said tags so as to deceive and mislead the purchaser, since the article consisted of wheat brown shorts and screenings, it contained more than 6 percent fiber (samples from the three shipments contained 6.94, 6.87, and 7.39 percent, respectively, of crude fiber), and one lot contained less than 17 percent of crude protein, namely, not more than 16.24 percent.

On December 9, 1938, the defendants entered pleas of guilty and the court imposed a joint fine of \$26 and costs as to the defendants collectively.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30196. Misbranding of canned cherries. U. S. v. 148 Cases of Cherries. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 44660. Sample No. 43449-D.)

This product was substandard because it contained an excessive number of pits, and it was not labeled to indicate that it was substandard.

On January 11, 1939, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 148 cases of canned cherries at San Francisco, Calif.; alleging that the article had been shipped in interstate commerce on or about November 30, 1938, by Producers Cooperative Packing Co. from Portland, Ore.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Flav-R-Pac Pitted Red Sour Cherries in Water Packed For North Pacific Cannery & Packers, Inc. Portland, Ore. Seattle, Wash."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since there was present more than 1 cherry pit per 20 ounces of net contents, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On February 15, 1939, the Producers Cooperative Packing Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled in compliance with the law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30197. Misbranding of canned cherries. U. S. v. 25 Cases of Cherries. Default decree of condemnation and destruction. (F. & D. No. 44357. Sample No. 30937-D.)

This product was substandard because it contained excessive pits, and it was not labeled to indicate that it was substandard.

On November 22, 1938, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 cases of canned cherries at Gallup, N. Mex.; alleging that the article had been shipped in interstate commerce on or about October 1, 1938, by Geo. W. Goddard Co. from Ogden, Utah; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Smith Brand Water Packed Red Sour Pitted Cherries * * * Distributed by Smith Canning Company, Clearfield, Utah."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since there was present more than 1 cherry pit per 20 ounces of net contents, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On February 9, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30198. Adulteration of flour. U. S. v. 815 Bags of Flour. Consent decree of condemnation. Product released under bond to be denatured. (F. & D. No. 44288. Sample No. 34518-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On December 13, 1938, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 815 bags of flour at Wilmington, N. C.; alleging that the article had been shipped on or about July 24, 1937, by Fisher Flouring Mills Co. from Seattle, Wash.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Fishers White Tag Flour."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On February 3, 1939, John T. Leonard, Jr., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product

was ordered released under bond conditioned that it be denatured and disposed of for purposes other than human consumption.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30199. Misbranding of canned cherries. U. S. v. 28 Cases and 15 Cases of Cherries. Default decree of condemnation and destruction. (F. & D. Nos. 44426, 44427. Sample Nos. 30962-D, 30963-D.)

This product was substandard because of an excessive number of pits, and it was not labeled to indicate that it was substandard.

On November 29, 1938, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 43 cases of canned cherries at Clayton, N. Mex.; alleging that the article had been shipped in interstate commerce on or about September 2, 1938, by Producers Canning Co. from Fort Collins, Colo.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Highland Brand Water Pack Colorado Red Pitted Cherries."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since there was present more than 1 cherry pit per 20 ounces of net contents, and its package or label did not bear a plain and conspicuous statement as prescribed by regulation of this Department indicating that it fell below such standard.

On February 9, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30200. Adulteration of butter. U. S. v. 60 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 44895. Sample No. 54116-D.)

This product was deficient in milk fat since it contained less than 80 percent of milk fat.

On January 19, 1939, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 60 tubs of butter at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about January 5, 1939, by Romine Creamery from Osage City, Kans.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent milk fat, as provided by act of March 4, 1923.

On January 26, 1939, Dauber Bros., Chicago, Ill., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked to bring it up to the legal standard.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

30201-30250

[Approved by the Acting Secretary of Agriculture, Washington, D. C., April 13, 1939]

30201. Misbranding of Murphy's Chick Tablets, Murphy's Mur-Cop Tablets for Poultry, Murphy's Swine Alkalizer, Murphy's Poultry R-C Tablets, Murphy's Flock Vaporizer, and Murphy's Poultry Respiratory Stimulant. U. S. v. Murphy Products Co. Plea of nolo contendere. Fine, \$150. (F. & D. No. 40790. Sample Nos. 19898-C, 19900-C, 20052-C, 20054-C, 20055-C, 20056-C.)

The labeling of these products bore false and fraudulent curative and therapeutic claims.

On June 4, 1938, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Murphy Products Co., a corporation, Burlington, Wis., alleging shipment by said company in violation of the Food and Drugs Act as amended, within the period from on or about December 28, 1936, to on or about May 7, 1937, from the State of Wisconsin into the State of Iowa of quantities of the above-named drugs which were misbranded.

Analyses of samples showed that the Chick Tablets consisted essentially of copper sulfate (50.4 percent), boric acid (18.6 percent), and a compound of aluminum; that the Mur-Cop Tablets for Poultry consisted essentially of copper sulfate (49.9 percent), boric acid (14.9 percent), and an aluminum compound colored with a blue dye; that the Swine Alkalizer consisted essentially of sodium carbonate (87.7 percent), and cresol (6.3 percent), flavored with anise and colored with a red dye; that the Poultry R-C Tablets consisted essentially of sodium chloride (83 percent), boric acid (6.3 percent), and a zinc compound; that the Flock Vaporizer consisted essentially of methyl salicylate and cresol colored with a red dye; and that the Poultry Respiratory Stimulant consisted essentially of cresol, guaiacol, oil of eucalyptus, oil of camphor, oil of anise, soap, and water.

The articles were alleged to be misbranded in that the labeling bore certain statements, designs, and devices regarding their therapeutic and curative effects which were false and fraudulent as follows:

The Chick Tablets were falsely and fraudulently represented to be effective to aid in warding off the spread of such contagions as "S. Pullorum Infection," coccidiosis, and other intestinal disturbances that may be transmitted by contaminated drinking water; and effective to cause contraction, arrest discharge, and aid in warding off disease.

The Mur-Cop Tablets for Poultry were falsely and fraudulently represented to be effective to aid in warding off spread of contagions such as coccidiosis, diarrhea, dysentery, fowl typhoid, avian hemorrhagic septicemia (fowl cholera), and others of the intestinal tract in poultry that may be transmitted by contaminated drinking water.

The Swine Alkalizer was falsely and fraudulently represented to be effective as a swine alkalizer and for unbalanced alkalinity of the tissues and fluids of swine; as an aid in giving relief in necrotic enteritis and other intestinal disturbances in swine; and as an intestinal antiseptic.

The Poultry R-C Tablets were falsely and fraudulently represented to be effective as a sterilizer, prophylactic, and antiseptic; effective to aid in warding off the spread of contagions, such as roup, catarrh, influenza, brooder pneumonia, diphtheria, chickenpox, and others of the respiratory tract that may be transmitted by contaminated drinking water; effective as an antiseptic hindering and acting against the growth and spread of poisonous and contagious germs, as a sterilizing agent against bacteria, and as a prophylactic to ward off contagions that may be transmitted from one bird to another by poultry drinking water.

The Flock Vaporizer was falsely and fraudulently represented to be effective as an aid in warding off the spread of such contagions as roup, catarrh, influenza, brooder pneumonia, chickenpox, diphtheria, and others of the respiratory tract in poultry that may be transmitted by contaminated air; effective as a treatment for affected heads, mouths, nostrils, mucous membranes and respiratory passages; effective to destroy infection, to destroy microbes, to ward off contagion, and to destroy poisonous germs; and effective as a prophylactic, antiseptic, and germicide, and to prevent the spread of contagion.

The Poultry Respiratory Stimulant was falsely and fraudulently represented to be effective as a poultry respiratory stimulant, as a bronchial alleviator, an antiseptic, a gastro-intestinal antiseptic, and as an antifermentative; effective to hinder and act against the spread of contagions such as roup, catarrh, influenza, brooder pneumonia, chickenpox, diphtheria, and other diseases of the respiratory tract in poultry flocks; and effective when used in conjunction with Murphy's Flock Vaporizer and Murphy's R-C Drinking Water Tablets, as a definite aid in the treatment of respiratory tract diseases.

The information also charged adulteration and misbranding of a product known as Dri-Disinfectant in violation of the Insecticide Act of 1910, reported in notice of judgment No. 1656 published under that act.

On January 9, 1939, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$25 on each count, the fines on the counts charging violation of the Food and Drugs Act amounting to \$150.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30202. Misbranding of Cal-co-cin. U. S. v. One Package and Two Bottles of Cal-co-cin. Default decrees of condemnation and destruction. (F. & D. Nos. 44331, 44397. Sample Nos. 34424-D, 34644-D.)

This product was misbranded because its label bore a statement purporting to indicate its ingredients, which statement failed to indicate the presence of cinchophen, an important ingredient.

On or about November 12 and 22, 1938, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of one package of Cal-co-cin at Frederick, Md., and two bottles of Cal-co-cin at Taneytown, Md.; alleging that the article had been shipped in interstate commerce in part on or about August 17, and in part on or about October 20, 1938, by the Crescent-Kelvan Co. from Philadelphia, Pa.; and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the statement on the label, "Bi Calcium-Ortho-Benzeycin," was false and misleading, since it consisted of the calcium salts of benzoic acid and cinchophen. It also was alleged to be misbranded in violation of the Federal Food, Drug, and Cosmetic Act.

On December 5 and 15, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30203. Adulteration and misbranding of prophylactics. U. S. v. 20 Gross of Rubber Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 44557. Sample Nos. 34347-D, 34356-D.)

Samples of this product were found to be defective in that they contained holes.

On December 20, 1938, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 gross of prophylactics at Washington, D. C.; alleging that the article was in possession of the Columbia Wholesale Sundries of Washington, D. C., and was being offered for sale in the District of Columbia; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "X Cello's."

It was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold.

It was alleged to be misbranded in that the following statement in the labeling was false and misleading: "X Cello's * * * Sold for Prevention of Disease."

On January 14, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30204. Adulteration and misbranding of Rx 333 For Women. U. S. v. 17 Boxes of Rx 333 For Women. Default decree of condemnation and destruction. (F. & D. No. 43252. Sample Nos. 3301-D, 18111-D.)

This product was represented to contain fresh ovarian tissue. Examination showed that it did not contain the hormone estrone, the essential active principle of fresh ovarian tissue. Its labeling bore false and fraudulent claims regarding its curative and therapeutic effects and the false and misleading representation that it was a gland food.

On August 13, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 17 boxes of Rx 333 For Women at San Francisco, Calif.; alleging that the article had been shipped in interstate commerce on or about September 18, 1937, by the Foundation Laboratories, Inc., from Chicago, Ill.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

Analysis showed that the article consisted principally of animal protein dissolved in glycerin and alcohol. Biological examination indicated that it did not contain the hormone estrone.

The article was alleged to be adulterated in that its strength fell below the professed standard under which it was sold, namely, "Each cubic centimeter represents 15 grains fresh ovarian tissue," since it did not contain the hormone estrone which is the essential active principle of fresh ovarian tissue.

Misbranding was alleged in that the statement on the box label, "Each cubic centimeter represents 15 grains fresh ovarian tissue," was false and misleading; in that the statement on the box label "A gland food" was false and misleading since the article was not a food made of glands nor was it a food for the glands of the body; and in that the statement on the label, "Rx 333 for Women," was a statement regarding the curative and therapeutic effects of the article and was false and fraudulent.

On January 14, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30205. Misbranding of sandalwood oil. U. S. v. 5 Bottles and 15 Pounds of Oil Sandalwood. Portion of product condemned and destroyed. Remainder released under bond for redistillation. (F. & D. Nos. 42434, 42442. Sample Nos. 14534-D, 16500-D.)

This product was labeled to indicate that it was sandalwood oil but differed from the pharmacopoeial standard for sandalwood oil, since it was not soluble in five volumes of 70-percent alcohol.

On May 19 and May 22, 1938, the United States attorneys for the District of Massachusetts and the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district courts libels praying seizure and condemnation of 5 bottles, each containing 1 pint of sandalwood oil at Boston, Mass., and 15 pounds of sandalwood oil at Pittsburgh, Pa.; alleging that the article had been shipped in interstate commerce in part on or about December 13, 1937, and in part on or about April 5, 1938, by Dodge & Olcott Co. from New York, N. Y.; and charging misbranding in violation of the Food and Drugs Act.

Misbranding was alleged in that the statement on the label, "Oil Sandalwood * * * U. S. P. XI," was false and misleading since it caused the purchaser to believe that the article was sandalwood oil, a drug recognized in the United States Pharmacopoeia; whereas it did not conform to the specifications of that authority for sandalwood oil, since it was not soluble in 5 volumes of 70 percent alcohol.

On January 11, 1939, Dodge & Olcott Co. having appeared as claimant for the lot seized at Pittsburgh, Pa., and having admitted the material allegations of the libel, judgment was entered ordering that the product be released to the claimant under bond conditioned that it be redistilled under the supervision of this Department. On January 23, 1939, no claim having been entered for the lot seized at Boston, Mass., judgment of condemnation was entered and the lot was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30206. Adulteration of tincture of strophanthus. U. S. v. Direct Sales Co., Inc., and George J. Dotterweich. Pleas of guilty. Fine, \$200 each. Payment of fine by George J. Dotterweich suspended. (F. & D. No. 40761. Sample No. 46513-C.)

This product was sold under a name recognized in the National Formulary but differed from the standard laid down therein because of excessive potency, i. e., 250 percent of the potency required by the National Formulary for tincture of strophanthus.

On December 20, 1937, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Direct Sales Co., Inc., Buffalo, N. Y., and George J. Dotterweich, president of said corporation, alleging shipment by said defendants in violation of the Food and Drugs Act on or about July 19, 1937, from the State of New York into the State of Pennsylvania of a quantity of tincture of strophanthus which was adulterated.

Adulteration was alleged in that the article was sold under and by a name recognized in the National Formulary but differed from the standard of strength, quality, and purity as determined by the tests laid down therein, and its own standard of strength, quality, and purity was not declared on the container thereof.

On December 29, 1938, pleas of guilty were entered on behalf of the defendants and the court imposed a fine of \$200 against the corporation and a fine of \$200 against George J. Dotterweich. Payment of the latter fine was suspended.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30207. Adulteration and misbranding of acetylsalicylic acid compound capsules. U. S. v. Physicians Drug & Supply Co. Plea of nolo contendere. Judgment of guilty. Fine, \$25. (F. & D. No. 42605. Sample Nos. 9692-D, 9700-D.)

This case involved two lots of drug capsules which contained less acetylsalicylic acid and phenacetin than declared on the label, and one of which contained less caffeine than so declared.

On December 23, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Physicians Drug & Supply Co., a corporation, Philadelphia, Pa.; alleging shipment by said company in violation of the Food and Drugs Act on or about January 11 and February 19, 1938, from the State of Pennsylvania into the State of New Jersey of quantities of acetylsalicylic acid compound capsules which were adulterated and misbranded.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that each of the capsules was represented to contain $3\frac{1}{2}$ grains of acetylsalicylic acid, $1\frac{1}{2}$ grain of caffeine, and $2\frac{1}{2}$ grains of phenacetin; whereas they contained less acetylsalicylic acid and less phenacetin than so represented (samples taken from the two shipments were found to contain not more than 3.112 and 3.176 grains, respectively, of acetylsalicylic acid and 2.188 and 2.31 grains, respectively, of phenacetin), and the capsules in one of the shipments contained less than $1\frac{1}{2}$ grain of caffeine, namely, not more than 0.446 grain ($9/20$ grain) of caffeine.

The article was alleged to be misbranded in that the statements, "Capsule * * * Acetylsalicylic Acid grs. $3\frac{1}{2}$ Phenacetin grs. $2\frac{1}{2}$," with respect to both lots and a statement "Caffeine gr. $1/2$," with respect to one lot, were false and misleading. Misbranding was alleged further in that the statement "137 grains Phenacetin Per Ounce" was false and misleading in that it represented that each ounce of the article contained 137 grains of phenacetin; whereas each ounce of the article contained more than 137 grains of phenacetin, samples taken from the two shipments having been found to contain 166.7 grains and 168 grains, respectively, of phenacetin. The article was alleged to be misbranded further in that it contained phenacetin, a derivative of acetanilid, and the label on the package failed to bear a statement of the quantity or proportion of phenacetin contained therein.

On January 27, 1939, a plea of nolo contendere having been entered, the court adjudged the defendant guilty and imposed a fine of \$25.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30208. Misbranding of Anti-Firin. U. S. v. 15 Pint Cans of Anti-Firin. Default decree of condemnation and destruction. (F. & D. No. 44430. Sample No. 25157-D.)

The labeling of this product bore false and fraudulent representations regarding its curative or therapeutic effects.

On or about December 2, 1938, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cans of Anti-Firin at Hialeah (Miami) Fla.; alleging that the article had been shipped in interstate commerce on or about September 23, 1937, by the Marvel Remedies Co. from San Francisco, Calif.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of castor oil, methyl salicylate, and red coloring matter.

It was alleged to be misbranded in that the following statements borne on the can label regarding its curative or therapeutic effects, were false and fraudulent: "Relieves: On Horses * * * fistula, wire cuts, harness sores and wounds, lameness, cracked heels, thrush, bow tendons, * * * splints, big knees, ring bone and side bone (of short standing), and warts. On Cows: Cake bag, * * * warts, fox tail, wire cuts, and lameness. On dogs: Lameness, mange, minor cuts and wounds, * * * stiffness. On People: * * * boils, * * * When treating animals for lameness or wire cuts do not let them walk into mud holes or in wet grass. Horses: For lameness * * * If any lameness remains, treatment can be repeated. * * * Cows: For cake bag, fox tail, and warts, rub well in with the hand, once daily, until the swelling is thoroughly moistened. * * * For Personal Use: For * * * boils, a quicker result is obtainable by moistening a piece of cloth with Anti-Firin and applying to affected part."

On January 25, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30209. Adulteration and misbranding of mineral oil. U. S. v. 19 Drums of Heavy Mineral Oil and 21 Drums of Heavy White Mineral Oil. Decrees of condemnation. Product released under bond to be relabeled. (F. & D. Nos. 43921, 43973. Sample Nos. 26500-D, 26503-D, 30098-D, 41703-D.)

Tests of this article by the methods prescribed in the United States Pharmacopoeia indicated the presence of moisture and solid paraffins.

On September 20 and 26, 1938, the United States attorneys for the Eastern District of Pennsylvania and the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 19 drums of mineral oil at Philadelphia, Pa., and 21 drums of mineral oil at Newark, N. J.; alleging that the article had been shipped by Crestol Refineries, Ltd., from Montreal, Canada, on or about July 12, 1938; and charging misbranding of the former and adulteration and misbranding of the latter in violation of the Food and Drugs Act.

Adulteration of one lot was alleged in that it was sold under a name recognized in the United States Pharmacopoeia, namely, "Heavy White Mineral Oil," but differed from the standard of strength, quality, and purity as determined by the tests laid down therein and its own standard of strength, quality, and purity was not stated on the container.

Misbranding of both lots was alleged in that the statements on the containers of the respective lots, "U. S. P. * * * Heavy White Mineral Oil" and "Heavy Mineral Oil U. S. P.," were false and misleading since they led one to believe that the article was heavy liquid petrolatum of pharmacopoeial standard; whereas it differed from the standard prescribed in the United States Pharmacopoeia for heavy liquid petrolatum.

On January 5 and February 28, 1939, Crestol Refineries, Ltd., Montreal, Canada, and Stevenson Bros. & Co., Philadelphia, Pa., having appeared as claimants for the respective lots, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department. The decree filed in the District of New Jersey provided that the product should not be disposed of in this country but should be reshipped to the country of origin.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30210. Adulteration and misbranding of nondestearinated cod-liver oil. U. S. v. Fifty-four 30-Gallon Drums of Non-Destearinated Cod Liver Oil. Decree of condemnation. Product released under bond for relabeling. (F. & D. No. 44140. Sample No. 2147-D.)

This product was represented to be nondestearinated cod-liver oil of pharmacopoeial standard but failed to conform to said standard since it contained not more than 60 U. S. P. units of vitamin D per gram; whereas the pharmacopoeia requires that it contain not less than 85 U. S. P. units of vitamin D per gram.

On October 13, 1938, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of fifty-four 30-gallon drums of the above-described product at Minneapolis, Minn.; alleging that the article had been shipped from a foreign country, namely, Norway, by Peder Devold Oil Co., Ltd., of Alesund, Norway, on or about September 20, 1937; and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled in part: "Vitamine Brand for Poultry."

Adulteration was alleged in that the article was sold under a name recognized in the United States Pharmacopoeia but differed from the standard of strength, quality, and purity as determined by the tests laid down therein and its own standard of strength, quality, and purity was not stated on the container.

Misbranding was alleged in that the statement "Non-Destearinated Cod Liver Oil USP," borne on the label, was false and misleading since the article did not conform to the specifications of the United States Pharmacopoeia in that it contained less than 85 U. S. P. units of vitamin D per gram.

On February 4, 1939, Chas. L. Huisking & Co., Inc., New York, N. Y., having appeared as claimant, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30211. Adulteration and misbranding of tablets of quinine, iron, and zinc valerianates and migraine tablets. U. S. v. Hance Bros. & White, Inc. Plea of nolo contendere. Judgment of guilty. Fine, \$25. (F. & D. No. 40784. Sample Nos. 67302-C, 67304-C.)

The strength and purity of these drug preparations fell below the professed standard under which they were sold in that they contained smaller amounts of certain therapeutic agents than declared on the labels.

On April 27, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Hance Bros. & White, Inc., Philadelphia, Pa., alleging shipment by said company in violation of the Food and Drugs Act on or about January 15, 1937, from the State of Pennsylvania into the State of New Jersey of quantities of the above-named drug products which were adulterated and misbranded.

The tablets of quinine, iron, and zinc valerianates were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold in that each tablet was represented to contain 1 grain (0.065 gram) of quinine valerianate, 1 grain of iron valerianate, and 1 grain of zinc valerianate; whereas each of said tablets contained less of said drugs than represented, namely, not more than 0.59 grain (0.038 gram) of quinine valerianate, not more than 0.49 grain (0.032 gram) of iron valerianate, and not more than 0.62 grain (0.040 gram) of zinc valerianate. Misbranding was alleged in that the statement "Tablets Quinine Iron and Zinc Valerianates * * * Quinine Valer., 1 Gr. (0.065 Gm.) Iron Valer., 1 Gr. (0.065 Gm.) Zinc Valer., 1 Gr. (0.065 Gm.)," borne on the bottle label, were false and misleading since the tablets contained smaller amounts of quinine, iron, and zinc valerianates than those represented.

The migraine tablets were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold in that each of the said tablets was represented to contain 2½ grains of acetanilid, ½ grain of monobromated camphor, and 1 grain of sodium salicylate; whereas each of said tablets contained less of the said drugs than represented, namely, not more than 2.17 grains of acetanilid, not more than 0.40 grain of monobromated camphor, and not more than 0.87 grain of sodium salicylate. Misbranding was alleged in that the statements, "Tablets * * * Acetanilide 2½ grs. Camphor Monob ½ gr. Sodium Salicylate 1 gr.," borne on the bottle

label, were false and misleading since the tablets contained less acetanilid, less monobromated camphor, and less sodium salicylate than so represented.

On September 30, 1938, a plea of nolo contendere was entered on behalf of the defendants. On February 3, 1939, the court adjudged the defendant guilty and imposed a fine of \$25.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30212. Adulteration and misbranding of ether U.S.P. 10 (Ethyl Oxide U.S.P. XI). U. S. v. 17 Cans of Ether. Default decree of condemnation and destruction. (F. & D. No. 44365. Sample No. 21036-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages, at the time of examination was found to contain peroxide in each of the three cans examined.

On November 16, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 17 cans of the above-named product at Chicago, Ill.; alleging that the article had been shipped on or about August 17, 1938, from St. Louis, Mo., by Merck & Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration was alleged in that the article was sold under names recognized in the United States Pharmacopoeia, "ether" and "ethyl oxide," but differed from the standard of strength, quality, and purity as determined by the tests laid down by said pharmacopoeia, and its own standard of strength, quality, and purity was not stated on the label. Adulteration was alleged further in that the strength and purity of the article fell below the professed standard and quality under which it was sold, namely, "Ether U. S. P. 10," since it did not conform to the specifications of the tenth revision of the pharmacopoeia for ether, in that it contained peroxide.

Misbranding was alleged in that the statements (shipping carton) "Ether * * * U. S. P. X" and (can label) "Ether U. S. P. 10 * * * (Ethyl Oxide U. S. P. XI)," were false and misleading since the article did not conform to the specifications of the tenth revision of the pharmacopoeia for ether, nor the specifications of the eleventh revision of the pharmacopoeia for ethyl oxide.

On January 13, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30213. Misbranding of Bell's Lique-Garlic. U. S. v. Twenty-three 8-Ounce Bottles, et al., of Bell's Lique-Garlic. Default decree of condemnation and destruction. (F. & D. No. 44551. Sample No. 25077-D.)

The labeling of this veterinary product bore false and fraudulent representations regarding its curative and therapeutic effects.

On December 19, 1938, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 185 various-sized bottles of Bell's Lique-Garlic at Atlanta, Ga.; alleging that the article had been shipped in interstate commerce on or about December 14, 1937, by Homerb & Liquid Garlic Products, Inc., from New York, N. Y.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of water, glycerin, sugar, and an extract of garlic or a similar flavor.

Misbranding was alleged in that the bottle label, display carton, and circular bore false and fraudulent representations regarding the curative and therapeutic effectiveness of the article as a tonic and conditioner for dogs, cats, and foxes, and as a natural and harmless vermifuge; its effectiveness to restore and maintain health and as a treatment for stomach and intestinal disturbances, scaly coats, worms, pain, dyspnea (difficult breathing), vicarious appetites; its effectiveness to stimulate gastric secretions, to promote gastric and intestinal action, to stimulate the growth of those organisms necessary for proper intestinal digestion; its effectiveness as a conditioner in case of poor appetite, fermentation, worms, constipation, gas, and as a preventive of toxemia and putrefaction; its effectiveness as an intestinal disinfectant, stimulant, and antidyseptic; its effectiveness to increase expectoration, allay distress of unproductive coughing, and as a tonic for run-down condition of puppies and old dogs; and its effectiveness to ease the pain of neuralgia and rheumatism, to prevent scurfy, and to make dogs have glossy coats.

On January 28, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30214. Misbranding of mild tincture of iodine. U. S. v. Samuel W. Amitin (The Modern Drug & Chemical Co.). Plea of guilty. Fine, \$25 and costs. (F. & D. No. 40834. Sample Nos. 43716-C, 48402-C.)

The carton and bottle label of this product bore the statement "Tincture Iodine U. S. P." The product was sold as mild tincture of iodine, with the word "mild" rubber-stamped on the bottle label. It failed to conform to the pharmacopoeial standard for mild tincture of iodine, since it contained less iodine and more sodium iodide than required by that authority. Its label also bore an incorrect declaration of the alcohol content.

On October 19, 1938, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Samuel W. Amitin, trading as the Modern Drug & Chemical Co., Baltimore, Md., alleging shipment by said defendant in violation of the Food and Drugs Act on or about April 19 and September 20, 1937, from the State of Maryland into the State of South Carolina and the District of Columbia, respectively, of quantities of mild tincture of iodine that was misbranded.

Misbranding was alleged in that the statement on the carton, "Tincture Iodine U. S. P. Alcohol 83%," and the statement on the bottle label, "Mild Tincture Iodine U. S. P. Alcohol 83%," were false and misleading in that the former statement represented that the article was tincture of iodine, a product defined in the United States Pharmacopoeia as containing not less than 6.5 grams of iodine and not less than 4.5 grams of potassium iodide per 100 cubic centimeters and not less than 80 percent of alcohol, and in that the latter statement represented that the article was mild tincture of iodine, a product defined in the United States Pharmacopoeia as containing not less than 1.8 grams of iodine and not more than 2.5 grams of sodium iodide per 100 cubic centimeters: whereas the article was neither tincture of iodine nor mild tincture of iodine as defined in the said pharmacopoeia, in that it contained less than 1.8 grams of iodine and more than 2.5 grams of sodium iodide, and not more than 47 percent by volume of alcohol.

On January 20, 1939, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30215. Adulteration and misbranding of oil of sandalwood. U. S. v. 4 Pounds 13 Ounces of Oil of Sandalwood. Default decree of condemnation and destruction. (F. & D. No. 43408. Sample No. 18028-D.)

This product was labeled to indicate that it was oil of santal, a product recognized in the United States Pharmacopoeia, but it did not have the characteristic odor of oil of santal and it contained a terpineol.

On August 19, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 4 pounds 13 ounces of oil of sandalwood at San Francisco, Calif.; alleging that the article had been shipped in interstate commerce on or about May 25, 1938, by Magnus, Mabee & Reynard from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration was alleged in that the purity of the article fell below the professed standard and quality under which it was sold, namely, "Oil Sandalwood East Indian U. S. P.," since said statement represented that the article was East Indian sandalwood oil of pharmacopoeial standard; whereas it was not.

Misbranding was alleged in that the statement "Oil Sandalwood East Indian U. S. P." was misleading since it was not sandalwood oil of the standard prescribed by the United States Pharmacopoeia. Misbranding was alleged further in that the article was offered for sale under the name of another article.

On January 14, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30216. Adulteration and misbranding of SC Red Tablets and adulteration of Special Compressed Tablets Magnesium Oxide, Phenobarbital & Atropine Compound. U. S. v. Charles H. Dietz (Charles H. Dietz Co.). Plea of guilty. Fine, \$375. (F. & D. No. 42577. Sample Nos. 16217-D, 16642-D.)

The former of these products contained a smaller amount of quinine sulfate than declared on the label, and the latter contained less magnesium oxide and less phenobarbital than represented.

On September 17, 1938, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Charles H. Dietz, trading as Charles H. Dietz Co., at St. Louis, Mo., alleging shipment by said defendant in violation of the Food and Drugs Act on or about December 15, 1937, from the State of Missouri into the State of Texas, of a quantity of SC Red Tablets which were adulterated and misbranded, and on or about February 4, 1938, from the State of Missouri into the State of Ohio, of a quantity of Special Compressed Tablets Magnesium Oxide, Phenobarbital & Atropine Compound which were adulterated.

The former product was alleged to be adulterated in that its strength fell below the professed standard and quality under which it was sold, in that it was labeled "Quinine Sulph. $\frac{1}{4}$ gr.," whereas each tablet contained not more than 0.20 grain of quinine sulfate. It was alleged to be misbranded in that the statement on the label, "Quinine Sulph. $\frac{1}{4}$ gr.," was false and misleading in that it represented that each tablet contained $\frac{1}{4}$ grain of quinine sulfate, whereas each tablet contained not more than 0.20 grain of quinine sulfate.

The latter product was alleged to be adulterated in that its strength fell below the professed standard and quality under which it was sold, since the defendant had represented to the purchaser that each tablet contained 5 grains of magnesium oxide U.S.P., $\frac{1}{4}$ grain of phenobarbital U.S.P. (also $\frac{1}{500}$ grain of atropine sulfate); whereas the said tablets each contained less than 5 grains of magnesium oxide, namely, 3.68 grains thereof, and less than $\frac{1}{4}$ grain of phenobarbital, namely, 0.207 grain thereof.

On December 21, 1938, the defendant entered a plea of guilty and the court imposed a fine of \$375.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30217. Adulteration and misbranding of Epsom salt. U. S. v. Livingston T. Boyer and Harve Pettigrew. Pleas of guilty. Fines, \$40. (F. & D. No. 42550. Sample Nos. 11561-D, 11563-D.)

This product failed to conform to the standard for Epsom salt established by the United States Pharmacopoeia, samples taken from the two shipments having been found to contain 31.11 percent and 40.77 percent, respectively, of sodium sulfate (Glauber's salt).

On September 14, 1938, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Livingston T. Boyer and Harve Pettigrew, Medicine Bow, Wyo., alleging shipment by said defendants in violation of the Food and Drugs Act on or about December 3, 1937, from the State of Wyoming into the State of Utah of quantities of Epsom salt which was adulterated and misbranded. The article was labeled in part: (Bag) "Epsom Salts—Manufactured by Wyoming Chemicals, Inc. Medicine Bow, Wyo." One lot was labeled further: "U. S. P. Grade."

Adulteration was alleged in that the article was sold under a name recognized in the United States Pharmacopoeia, namely, Epsom salt, but differed from the standard of strength, quality, and purity as determined by the tests laid down in the pharmacopoeia, since it contained a large proportion of sodium sulfate, i. e., Glauber's salt, and its own standard of strength, quality, and purity was not stated on the label.

Misbranding was alleged in that the statements, "Epsom Salts U. S. P. Grade" and "Epsom Salts," borne on the labels of the two lots were false and misleading in that they represented that the article was Epsom salt of the grade required by the United States Pharmacopoeia; whereas it was not as represented since it contained a large proportion of sodium sulfate, which is Glauber's salt, not Epsom salt.

On November 19, 1938, the defendants entered pleas of guilty and the court imposed fines in the total amount of \$40.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30218. Misbranding of gauze bandages. U. S. v. 27 Gross of Gauze Bandages. Default decree of condemnation and destruction. (F. & D. No. 44013. Sample No. 35652-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages, at the time of examination was found to be contaminated with viable micro-organisms. It was intended for uses requiring a sterile product.

On September 29, 1938, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 gross of gauze bandages at Boston, Mass.; alleging that they had been shipped on or about June 21, 1938, by Dermay, Inc., from New York, N. Y.; and charging misbranding in violation of the Food and Drugs Act.

Misbranding was alleged in that the statement on some of the packages, "Physicians and Surgeons Gauze Bandage," that on another package, "Doctors and Nurses Gauze Bandage" and the words "First Aid Products," which formed part of the firm name "First Aid Products Corporation," were false and misleading when applied to bandages which were not sterile but were contaminated with viable micro-organisms.

On February 13, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30219. Misbranding of mineral oil. U. S. v. 334 Bottles and 71 Bottles of Extra Heavy Mineral Oil. Default decree of condemnation and destruction. (F. & D. No. 44219. Sample Nos. 27149-D, 27151-D.)

This product was represented to be heavy mineral oil of pharmacopoeial standard but failed to conform to the standard laid down in that authority since tests prescribed therein disclosed the presence of moisture and solid paraffins.

On October 21, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 334 pint bottles and 71 quart bottles of extra heavy mineral oil at Elizabeth, N. J.; alleging that the article had been shipped in interstate commerce by the Nostane Products Corporation from Brooklyn, N. Y., about August 12 and 13, 1938; and charging misbranding in violation of the Food and Drugs Act.

Misbranding was alleged in that the statement on the label, "Heavy Mineral Oil U. S. P." was false and misleading since the article was not heavy liquid petrolatum as described in the United States Pharmacopoeia in that it differed from the standard of strength, quality, and purity as determined by the tests laid down therein.

On January 25, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30220. Adulteration and misbranding of G.S.I. Gly-So-Iodonate. U. S. v. 23 Bottles, 4 Bottles, and 10 Bottles of G.S.I. Gly-So-Iodonate. Default decree of condemnation and destruction. (F. & D. No. 42927. Sample No. 21802-D.)

The labeling of this product bore false and fraudulent representations regarding its curative and therapeutic effects and false and misleading representations regarding its antiseptic properties.

On June 17, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 37 bottles of the above-named product at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about January 28, 1938, by the National Medical Research Laboratories from Milwaukee, Wis.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of water, alcohol, glycerin, sodium chloride, small proportions of carbonates, sulfates, iodides, phosphates, and borates, together with traces of formaldehyde and iodoform. Bacteriological examination showed that it was not an antiseptic surgical first aid.

Adulteration was alleged in that the strength of the article fell below the professed standard or quality under which it was sold, namely, antiseptic, since it was not an antiseptic.

Misbranding was alleged in that the statements, "Antiseptic Surgical First Aid * * * For burns on scalp and skin and use liberally during manicure under free edge of finger nails and loose cuticle," were false and fraudulent.

On January 3, 1939, the answer theretofore filed by the claimant having been withdrawn, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30221. Adulteration and misbranding of Follicovar. U. S. v. Hypo-Medical Corporation. Plea of guilty. Fine, \$100. (F. & D. No. 42618. Sample No. 12579-D.)

This product contained approximately 25 percent of the number of International Units of ovarian follicular hormone declared on the label.

On December 18, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Hypo-Medical Corporation, New York, N. Y., alleging shipment by said company in violation of the Food and Drugs Act on or about April 4, 1938, from the State of New York into the State of New Jersey of a number of boxes, each containing 12 ampuls of ovarian follicular hormone which was adulterated and misbranded.

Adulteration was alleged in that the strength of the article fell below the professed standard or quality under which it was sold in that each mil of the article was represented to contain 2,500 International Units of ovarian follicular hormone; whereas each mil of said article contained less than so represented, namely, not more than 640 International Units of ovarian follicular hormone.

Misbranding was alleged in that the statements "(Ovarian Follicular Hormone) Each mil contains * * * 2500 International Units," borne on the boxes, and "Ovarian Follicular Hormone 2500 International Units," borne on the ampul label, were false and misleading in that they represented that each mil of the article contained 2,500 International Units of ovarian follicular hormone; whereas each mil contained a less amount.

On January 11, 1939, a plea of guilty was entered on behalf of the defendant and on January 13, 1939, the court imposed a fine of \$100.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30222. Adulteration and misbranding of Orchotine Tablets. U. S. v. Hudson Pharmacal Co., Inc., and Edward Fetterly. Pleas of guilty. Corporation fined \$50 on each of three counts; payment suspended. Individual fined \$50 on each of three counts; payment suspended on counts 2 and 3. (F. & D. No. 39828. Sample No. 33569-C.)

The labeling of this product bore false and fraudulent curative and therapeutic claims and false and misleading representations regarding its constituents.

On March 8, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Hudson Pharmacal Co., Inc., Union City, N. J., and Edward Fetterly, president of the said corporation, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about February 15 and April 15, 1937, from the State of New Jersey into the State of Illinois of a quantity of Orchotine Tablets that were adulterated and misbranded.

Analysis showed that the article consisted of animal tissue, probably glandular in nature, each tablet containing 1/25 grain of extract of *nux vomica*.

Adulteration was alleged in that the strength and purity of the article fell below the professed standard and quality under which it was sold in that the tablets were represented to contain the active principles of the testes (interstitial cells of Leydig) with the other vital glands of the testicular cycle; whereas they did not contain the active principles of the testes with the other vital glands of the testicular cycle.

Misbranding was alleged in that the statement "contains the active principles of the testes (Interstitial cells of Leydig) with the other vital glands of the testicular cycle," borne on the bottle label, was false and misleading. Misbranding was alleged further in that certain statements, designs, and devices regarding its therapeutic and curative effects, borne on the bottle label, falsely

and fraudulently represented that the article was effective as a treatment, remedy, and cure for fatigue, nervous exhaustion of men, sexual apathy, and "subefficiency."

On December 1, 1938, pleas of guilty were entered on behalf of the defendants and the court sentenced the corporation to pay a fine of \$50 on each of the three counts, but suspended payment thereof; and sentenced Edward Fetterly to pay a fine of \$50 on each of the three counts, but suspended payment of fine on counts 2 and 3.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30223. Adulteration and misbranding of Fisher's Massage Liniment; misbranding of Fisher's P P P, Fisher's Columbine Massage Cream, Fisher's Diuretic Alternative, and Fisher's Gastric Assimilator. U. S. v. 8 Bottles of Fisher's P P P, et al. Default decree of condemnation and destruction. (F. & D. Nos. 42494 to 42498, inclusive. Sample Nos. 65-D to 69-D, inclusive.)

The labeling of these products bore false and fraudulent curative and therapeutic claims. One product, the massage liniment, contained less alcohol than was declared on the label.

On June 7, 1938, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 bottles or jars of the above-named drug products at Tucson, Ariz.; alleging that the articles had been shipped in interstate commerce on or about May 10, 1938, by Mrs. E. Heinz from Denver, Colo.; and charging adulteration and misbranding of the Massage Liniment and misbranding of the remaining products in violation of the Food and Drugs Act as amended.

Analyses showed that Fisher's P P P consisted essentially of water, alcohol, magnesium sulfate, and flavoring materials; that the Massage Cream consisted of petroleum oils with small proportions of boric acid and perfumes; that the Massage Liniment consisted of water, alcohol (14.5 percent by volume), ammonia, and a trace of an iodine compound; that the Diuretic Alternative consisted of water, alcohol, sugar, and small proportions of extracts of plant materials; and that the Gastric Assimilator consisted of alcohol, water, and extracts of plant materials.

The Massage Liniment was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Alcohol 26.8%," since it did not contain 26.8 percent of alcohol but did contain a less amount. It was alleged to be misbranded in that the statement on the carton and bottle labels, "Alcohol 26.8%," was false and misleading.

All products were alleged to be misbranded in that the following statements appearing in the labeling regarding their curative and therapeutic effects were false and fraudulent: (P P P, bottle and carton) " * * * Is an emergency remedy * * * For ordinary cases take two tablespoonfuls in cold water. For speedy action take in four-ounce doses without dilution an hour apart until full contents of bottle have been taken. * * * Hot cloths and Fisheropathic breathing will help to relieve the patient and facilitate action of the remedy. When the stomach rejects food and the sight of water nauseates, the whole alimentary canal from the mouth to the anus is affected"; (Massage Cream) " * * * for * * * Developing the bust, Removing * * * Eruptions, Eczema, Scalp Diseases, Ring-Worms, * * * Shingles, Baby-Rash, Moth-Marks * * * Etc. * * * Dandruff and Scalp Disease * * * Apply * * * until scalp and hair feels * * * healthy * * * For Harsh Voice, Croup, Sore Chest, Pneumonia, Flu, Asthma, or Whooping Cough, a small piece swallowed will afford immediate relief. If lungs are sore and congested, as in Flu or Pneumonia * * * Tissue Regeneration—For developing Bust * * * and increasing tissue regeneration"; (Massage Liniment, bottle) "For Developing the Breast and Chest * * * For Cuts," (carton) "Cuts * * * Etc. * * * It relieves Pain. It Eases a Sore Side It Beats the World to use in Childbirth"; (Diuretic Alternative, bottle) "For all Ordinary Cases * * * For Chronic and Long Standing Cases," (carton) "Alternative * * * It Cures Dropsy It Cures Skin Diseases. It Dissolves Gall Stones and Strengthens the Nerves," (booklet) "Dropsy (Change of Life, Cessation of Menstruation or Extreme Bloating). Follow Instructions for Cancer or Tumor, substituting the Fisher Diuretic Alternative (Kidney Food) for the Gastric Assimilator. * * * Alternative (for kidney disorders)"; (Gastric Assimila-

tor, bottle) "Gastric Assimilator * * * For Chronic and Long Standing Cases * * * For all Ordinary Cases," (carton) "Gastric Assimilator * * * It Relieves Pain It eases a Sore Side It Beats the World to use in Childbirth."

On January 17, 1939, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30224. Misbranding of Dr. Miller's Intraclean. U. S. v. The Miller Co., Inc., Joseph S. Miller, and Ignacy Kisil. Pleas of guilty. Joseph S. Miller fined \$50. Miller Co. and Ignacy Kisil each fined \$600, payment of which was ordered suspended. (F. & D. No. 39784. Sample Nos. 17875-C, 35204-C, 35205-C.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On March 8, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Miller Co., Inc., Newark, N. J., Joseph S. Miller, and Ignacy Kisil, officers of the corporation, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about April 6 and April 7, 1937, from the State of New Jersey into the States of Pennsylvania and New York, respectively, of quantities of Miller's Intraclean which was misbranded.

Analysis showed that the article consisted essentially of broken senna leaves and buckthorn bark with a small proportion of agar-agar.

A portion of the article was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, appearing in the labeling, falsely and fraudulently represented that it was effective to clean the interior of the stomach; effective as a stomach intestinal cleanser, as a health restoring compound, as a stomach and intestinal regulator, and to rid the body of disease; effective as a treatment, remedy, and cure for loss of vitality, piles, loss of appetite, tiredness, nervousness, backache, kidney, liver, and bladder trouble, high blood pressure, rheumatic pains, obesity, rash, pimples, dizziness, headache, indigestion, heartburn, belching of gas, acid stomach, gas pains after eating, and bowel stagnation; and effective to kill the root of disease. The remainder was alleged to be misbranded in that certain statements in the labeling falsely and fraudulently represented that it was effective to clean the interior of the stomach; and effective as a stomach intestinal cleanser and as a treatment, remedy, and cure for chronic cases of constipation, imperfect elimination, indigestion, belching of gas, heartburn, headaches, difficult breathing, and gas attack.

On December 1, 1938, the defendants entered pleas of guilty. Joseph S. Miller was sentenced to pay a fine of \$50, the Miller Co., Inc., and Ignacy Kisil were each fined \$600, but payment of said fines was suspended.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30225. Misbranding of Tonsol. U. S. v. Edward James McCann (The Tonsol Co.). Plea of nolo contendere. Fine, \$50. Payment suspended and defendant placed on probation for 3 months. (F. & D. No. 36978. Sample No. 15531-B.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On May 11, 1936, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Edward James McCann, trading as the Tonsol Co. at Elmira, N. Y., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about June 15, 1935, from the State of New York into the State of California of a quantity of Tonsol which was misbranded.

Analysis showed that the article consisted of an aqueous solution of a mild silver proteinate compound.

Misbranding was alleged in that certain statements, designs, and devices regarding its curative and therapeutic effects, borne on the bottle label, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for ailments of the tonsils, enlarged or diseased tonsils, diphtheria, quinsy, tonsillitis, cankered sore throat, distress in the head, and adenoids; and effective to loosen all phlegm.

On January 10, 1939, the defendant entered a plea of *nolo contendere* and the court imposed a fine of \$50, but suspended payment thereof and placed the defendant on probation for 3 months.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30226. Adulteration and misbranding of Gilmore's Ointment of Mercury Oxide, and Gilmore's Ointment Holocain. U. S. v. Don Gilmore Laboratories, Inc. Plea of *nolo contendere*. Fine, \$25. (F. & D. No. 39802. Sample Nos. 37051-C, 37052-C.)

The former of these products was labeled to indicate that it was yellow mercuric oxide ointment, a product recognized in the United States Pharmacopoeia; whereas it contained less mercuric oxide than required by the pharmacopoeia for yellow mercuric oxide ointment and less than declared on its label. The latter product contained a smaller amount of holocain than declared on the label.

On November 26, 1937, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Don Gilmore Laboratories, Inc., Cleveland, Ohio, alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about May 11, 1936, and May 17, 1937, from the State of Ohio into the State of West Virginia of quantities of the above-named products which were adulterated and misbranded. They were labeled: "Gilmore's No. 2 Ointment Mercury Ox. Flav.," and "Gilmore's No. 29 Ointment Holocain 2%."

The No. 2 ointment was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia but differed from the standard of strength, quality, and purity as determined by the tests laid down therein, since it contained less than 0.9 percent, namely, not more than 0.66 percent of mercuric oxide; whereas the pharmacopoeia provides that yellow mercuric oxide ointment shall contain not less than 0.9 percent of mercuric oxide and the standard of strength, quality, and purity of the article was not declared on the container. It was alleged to be adulterated further in that its strength and purity fell below the professed standard and quality under which it was sold since it was represented to contain 2 percent of yellow mercury oxide; whereas it contained not more than 0.66 percent of yellow mercury oxide. Misbranding was alleged in that the statement on the label, "Contains Mercury Yellow Oxide 2%," was false and misleading.

The No. 29 ointment was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold since it was represented to contain 2 percent of holocain; whereas it contained less than represented, namely, not more than 1.45 percent of holocain. Misbranding was alleged in that the statement on the label, "Holocain 2%," was false and misleading.

On February 3, 1939, a plea of *nolo contendere* having been entered on behalf of the defendant, the court imposed a fine of \$25.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30227. Adulteration and misbranding of Counts Kill-Germ. U. S. v. Abijah Henry Counts (Counts Chemical Co.). Plea of guilty. Penalty, \$25.01 in lieu of fine and costs. (F. & D. No. 39847. Sample Nos. 37068-C, 37069-C.)

The label of this product bore false and fraudulent representations regarding its curative and therapeutic effects, and false and misleading representations regarding its effectiveness as a germicide.

On December 27, 1937, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Abijah Henry Counts, trading as Counts Chemical Co., Nashville, Tenn., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about December 7 and December 31, 1936, from the State of Tennessee into the State of Kentucky of quantities of Counts Kill-Germ which was adulterated and misbranded.

Analysis showed that the article consisted chiefly of mineral oil, pine-needle oil, and a small amount of water. Bacteriological examination showed that it was not germicidal.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold in that it was labeled "Kill-Germ," whereas it was not a germicide.

Misbranding was alleged in that the statement "Kill-Germ" was false and misleading since the article was not a germicide. Further misbranding was alleged in that certain statements on the carton and the bottle label regarding the curative and therapeutic effects of the article falsely and fraudulently represented that it was effective as a healer, germicide, and blood purifier, and that it was effective in curing rheumatism, coughs, asthma, indigestion, catarrhal bronchitis, catarrh of the stomach, ulcerated stomach, sores, burns, boils, carbuncles, felons, cuts, ringworm, erysipelas, gaulds, piles, hemorrhoids, and any inflammation of the mucous membranes, eye, ear, nose, or throat.

On January 20, 1939, the defendant entered a plea of guilty and was sentenced to pay \$25 in lieu of fine and costs on count I and \$0.01 in lieu of fine and costs on the remaining five counts of the information.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30228. Adulteration and misbranding of arsenous acid and diluted hydriodic acid. U. S. v. Mallinckrodt Chemical Works. Plea of nolo contendere. Fine, \$100. (F. & D. No. 38066. Sample Nos. 71880-B, 71889-B.)

These products differed from the standard laid down in the United States Pharmacopoeia, the former being deficient in arsenic trioxide and containing excessive impurities; and the latter containing hydriodic acid in excess of the amount required by that authority.

On August 10, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Mallinckrodt Chemical Works, a corporation trading at New York, N. Y., alleging shipment by said company in violation of the Food and Drugs Act on or about February 25 and March 24, 1936, from the State of New York into the State of New Jersey of quantities of arsenous acid and diluted hydriodic acid, which were adulterated and misbranded.

The arsenous acid was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia but differed from the standard of strength, quality, and purity as determined by the tests laid down therein, since it contained less than 99.8 percent, namely, not more than 99.4 percent of arsenic trioxide. The residue remaining upon ignition of 1 gram was more than 0.1 percent, namely, not less than 0.26 percent; 1 gram of the article when treated with 10 cubic centimeters of ammonia T. S. did not give a clear, colorless solution, some of the material having been undissolved; and the standard of strength, quality, and purity of the article was not declared on the container thereof. Misbranding was alleged in that the statement on the label, "Acid Arsenous U. S. P. Powdered Arsenic Trioxide," was false and misleading.

The diluted hydriodic acid was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia but differed from the standard of strength, quality, and purity as determined by the test laid down therein, since it contained more than 10.5 percent, namely, not less than 15.6 percent of hydriodic acid; whereas the pharmacopoeia provides that the article shall contain not more than 10.5 percent of hydriodic acid and the standard of strength, quality, and purity of the article was not declared on the container. Misbranding was alleged in that the statement on the label, "Acid Hydriodic U. S. P. diluted (9½-10½%)," was false and misleading.

On October 31, 1938, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$100.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30229. Adulteration and misbranding of Harosma and Elco Cold Treatment; misbranding of Mrs. Bee Hypo Tonic Pills, Furmas, Rx 333, Mrs. Bee Health Anodyne Capsules, and Sexol Tablets. U. S. v. David F. Berland, Archie Berland, and Rose Kottenberg (Eric Laboratories). Pleas of nolo contendere. Judgment of guilty. Fine, \$50. (F. & D. No. 39754. Sample Nos. 13145-C, 37207-C, 37208-C, 37212-C, 37213-C, 37221-C to 37224-C, inclusive.)

The labeling of these products, with the exception of the Elco Cold Tablets, bore false and fraudulent representations regarding their curative and therapeutic effects. The Harosma and the Elco Cold Tablets contained less phenacetin than declared; and Mrs. Bee Health Anodyne Capsules contained acetanilid, which was not declared on the label.

On October 12, 1937, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against David F. Berland, Archie Berland, and Rose Kotenberg, copartners trading as Erie Laboratories at Cleveland, Ohio, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, within the period from on or about August 8, 1936, to on or about January 7, 1937, from the State of Ohio into the States of Pennsylvania and New York of quantities of the above-named drug preparations of which a part were adulterated and misbranded and the remainder were misbranded. The articles were labeled: "Harosma [or "Elco Cold Treatment" or "Furmas"] * * * Erie Laboratories"; "Mrs. Bee Hypo-Tonic Pills * * * Manufactured for Mrs. Bee Laboratories, Cleveland, Ohio"; "Mrs. Bee Health Anodyne Capsules * * * Prepared for Mrs. Bee Health Laboratories, Cleveland, O."; "Rx 333 * * * For Sale by Reese Drugs, Wilkesbarre, Pa."

Analysis of the Harosma showed that it consisted essentially of aspirin and acetophenetidin (2.49 grains per capsule) and caffeine; that the Hypo Tonic Pills consisted chiefly of plant material, coated with sugar and iron oxide; that the Furmas consisted essentially of a mixture of magnesium hydroxide, magnesium carbonate, sodium and potassium carbonates and/or bicarbonates, a water-soluble red substance, peppermint oil, and water; that the Rx 333 consisted essentially of aspirin and sodium salicylate; that the Mrs. Bee Health Anodyne Capsules consisted essentially of phenacetin, aspirin, and caffeine; and that the Sexol Tablets consisted essentially of iron phosphate, talc, plant extractives, and an alkaloid.

The Harosma was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that each capsule was represented to contain 4 grains of phenacetin; whereas each capsule contained not more than 2.5 grains of phenacetin. The Harosma was alleged to be misbranded in that the statement "Each capsule contains Phenacetin 4 Grains," borne on the bottle label, was false and misleading. It was alleged to be misbranded further in that it contained phenacetin, a derivative of acetanilid, and the package label failed to bear a statement of the quantity or proportion of phenacetin contained in it.

The Elco Cold Treatment was alleged to be adulterated in that each capsule was represented to contain approximately 1 grain of acetanilid and $3\frac{1}{2}$ grains of phenacetin; whereas each of the capsules contained not more than 0.72 grain of acetanilid, and not more than 2.84 grains of phenacetin. It was alleged to be misbranded in that the statement, "Each capsule contains Acetanilid, not over 1 grain. Phenacetine, an acetanilid derivative— $3\frac{1}{2}$ grains," borne on the bottle label, was false and misleading. It was alleged to be misbranded further in that it contained acetanilid and phenacetin (a derivative of acetanilid), and the package label failed to bear a statement of the quantity or proportion of acetanilid and phenacetin contained in the article.

Mrs. Bee Health Anodyne Capsules were alleged to be misbranded in that they contained acetophenetidin, a derivative of acetanilid, and the label on the package failed to bear a statement of the quantity or proportion of acetophenetidin contained in them.

All products, with the exception of the Elco Cold Treatment, were alleged to be misbranded further in that certain statements, designs, and devices appearing on the labels, falsely and fraudulently represented the curative and therapeutic effectiveness of the articles in the following respects:

(Harosma) that it was effective to lessen the paroxysms of hay fever and asthma; and effective as a treatment, remedy, and cure for rose fever, sinus, rhinitis, la grippe, running nose, and weeping eyes.

(Mrs. Bee Hypo-Tonic Pills) that they were effective as a tonic and as a nerve sedative; effective to tone up the nerves; and effective as a treatment for women who are nervous, run-down, lack appetite, and are irritable.

(Furmas) that it was effective as a relief for hyperacidity, acidosis, indigestion, dyspepsia, functional stomach disorders, loss of appetite, headaches, sleeplessness, nervousness, and dizziness.

(Rx 333) that it was effective as a prompt relief of pain caused by rheumatism, lumbago, neuralgia, gout, arthritis, sciatica, neuritis, and swollen joints.

(Mrs. Bee Health Anodyne Capsules) that they were effective as a treatment for painful menstruation.

(Sexol Tablets) that they were effective as an invigorating tonic and as a stimulant.

On February 3, 1939, pleas of nolo contendere having been entered, the court found the defendants guilty and imposed a fine of \$50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30230. Adulteration and misbranding of Gay. U. S. v. Strong, Cobb & Co., Inc., Theodore S. Strong, Robert W. Hompe, Sterling S. McMillan and Robert C. Godfrey. Demurrer and motion to quash overruled. Pleas of nolo contendere by each of the defendants. Judgments of guilty as to Strong, Cobb & Co., Inc., and Theodore S. Strong. Judgments of not guilty as to remaining defendants. Corporation fined \$50. Theodore S. Strong fined \$25. (F. & D. No. 39741. Sample Nos. 15369-C, 27964-C, 27977-C.)

The labeling of this product bore false and fraudulent representations regarding its curative and therapeutic effects and false and misleading representations to the effect that it was harmless. One lot of the article contained acetophenetidin not declared on the label, and the other lot contained less acetophenetidin than declared.

On September 18, 1937, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Strong, Cobb & Co., Inc., a corporation, Cleveland, Ohio, and Theodore S. Strong, Robert W. Hompe, Sterling S. McMillan, and Robert C. Godfrey, officers of the said corporation, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about September 25 and October 23, 1936, from the State of Ohio into the State of Pennsylvania of quantities of Gay which was misbranded, and one lot of which was also adulterated. The article was labeled in part: "Distributed by F. H. Fowles Co. Philadelphia."

Analysis of the product showed that it consisted essentially of aspirin, acetophenetidin (four samples examined contained 1.68, 1.63, 1.67, and 1.73 grains, respectively, per tablet), plant material, and caffeine.

One lot of the product was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that each of the tablets was represented to contain 2 grains of acetophenetidin; whereas each of said tablets contained less than 2 grains, namely, not more than 1.68 grains of acetophenetidin. The said lot was alleged to be misbranded in that the statement "Each tablet contains 2 Gr. Acetophenetidin (acetanilid derivative)," borne on the label, was false and misleading.

Both lots were alleged to be misbranded in that the article contained acetophenetidin (a derivative of acetanilid), and the label on the package failed to bear a statement of the quantity and proportion of acetophenetidin contained therein, since the statement made was incorrect in one instance and was absent in the other. Both lots were alleged to be misbranded further in that the statements "Gay contains no harmful drugs * * * may be used with utmost confidence," appearing in the labeling, were false and misleading in that they represented that the article contained no harmful drugs and could be used with utmost confidence; whereas the article did contain a harmful drug, namely, acetophenetidin (acetanilid derivative), which could not be used with the utmost confidence. Both lots were alleged to be misbranded further in that certain statements in the labeling regarding the curative and therapeutic effects of the article falsely and fraudulently represented that it was effective as a prompt relief from menstrual pain and effective in the treatment of menstrual pain due to normal causes.

On March 18, 1938, the defendants filed a demurrer to the information and a motion to quash, which were argued on May 30, 1938, and overruled as to each defendant without opinion. On February 3, 1939, the defendants entered pleas of nolo contendere and the court adjudged the defendants Strong, Cobb Co., Inc., and Theodore S. Strong to be guilty and imposed a fine of \$50 upon the former and \$25 upon the latter. The remaining defendants were found not guilty.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30231. Adulteration and misbranding of Edwenil. U. S. v. 355 Cartons, 221 Cartons, 205 Cartons, and 33 Cartons of Edwenil. Claim and answer filed. Amended libel filed. Claimant's exceptions to amended libel sustained. Second amended libel filed. Exceptions to second amended libel overruled. Claim and answer withdrawn. Default decree of condemnation and destruction. (F. & D. No. 40019. Sample Nos. 37895-C, 38216-C to 38219-C, inclusive.)

This product was represented to be a polyvalent antibacterial agent, i. e., a drug which when administered hypodermically overcomes the activity of bacteria in the body of a living human being or animal. Examination showed that its standard was not that of a polyvalent antibacterial agent, but that it was inert. Its labeling bore false and fraudulent representations regarding its curative and therapeutic effectiveness.

On July 29, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 814 cartons, each containing 1 bottle of Edwenil, at New York, N. Y.; alleging that the article had been shipped in interstate commerce by Spicer & Co. from Glendale, Calif., within the period from on or about February 15, 1937, to on or about July 9, 1937; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The original libel was amended August 24, 1937.

Analyses showed that the article consisted essentially of magnesium and nitrogenous compounds suspended in a solution of sodium chloride. It also showed total magnesium calculated as magnesium oxide (0.03 percent), total nitrogen calculated as protein (0.038 percent); sodium chloride (0.8 percent); phenol (0.45 percent); and a trace of silica.

It was alleged in the amended libel that the article was adulterated in that its strength fell below the professed standard under which it was sold, namely, a polyvalent antibacterial agent to be administered hypodermically with maximum doses of 4 cubic centimeters twice daily.

Misbranding was alleged in that the statement "A Polyvalent Antibacterial Agent," borne on the carton, was false and misleading since the article was not a polyvalent antibacterial agent, nor any antibacterial agent.

The article was alleged to be misbranded further because of false and fraudulent curative and therapeutic representations in the labeling, which were substantially the same as those quoted in the second amended libel referred to hereinafter.

On August 24, 1937, Spicer & Co., claimant, filed exceptions to the amended libel on the grounds that there was no allegation in the libel that the article was sold under a professed standard of strength; that the words "A polyvalent antibacterial agent" and the directions on the package did not constitute the professed standard of strength or purity within the meaning of the law, and that the said words constituted a statement regarding the curative or therapeutic effects of the article and not a statement of identity and prayed that the libel be dismissed. On August 31, 1937, the claimant's exceptions were sustained. On October 29, 1937, the Government's motion for rehearing was argued and was denied, and the amended libel was ordered dismissed with the following memorandum opinion:

PATTERSON, *District Judge*. "On reargument, I adhere to the opinion that the words complained of, in their meaning to the ordinary person, amount to a statement of therapeutic value and as now pleaded in paragraph 6 (a) of the amended libel are not a misbranding within the general paragraph of section 7. *United States v. Johnson*, 221 U. S. 488. The amended libel does not state that the product is sold to physicians and that to physicians the words give the product's identity. The affidavits handed up by the libelant purport to cover these points, but, of course, cannot receive affidavits where the motion is one to dismiss a pleading as defective on its face. The remedy of the libelant is to file a further amended libel embracing such allegations. The present amended libel will be dismissed, with leave to the libelant to file a second amended libel."

On November 16, 1937, a second amended libel was filed. Adulteration was alleged in the second amended libel in that the article was sold under a professed standard of strength, namely, the power of the article to protect certain animals from death when treated with measured doses of pneumococcus type II, or pneumococcus type III, as more fully set forth in a statement contained in a pamphlet entitled "The Endo toxic Infections and Their Control with Edwenil" (eleventh edition, published by Spicer & Co. in 1936) and an additional statement contained in a pamphlet entitled "Edwenil A Polyvalent Antibacterial Agent for the Endotoxic Infections," published by Spicer & Co. in 1937;

whereas the strength of the article fell below the said professed standard of strength.

The article was alleged to be misbranded in that it was advertised and sold primarily to members of the medical profession; that each of the said cartons bore the statement "Edwenil A Polyvalent Antibacterial Agent," that in the medical profession the term "polyvalent antibacterial agent" when applied to a drug has by usage become a term of identity describing and defining a drug made from serum from animals that have been immunized against several species of bacteria or from a mixture of sera from animals of which some have been immunized against one species of bacteria and others have been immunized against another species of bacteria; that the article was not made from serum or sera of the nature described hereinbefore, and that said statement on the carton was false and misleading. Misbranding was alleged further in that the following statements in the labeling regarding the therapeutic or curative effects of the article were false and fraudulent: (Carton) "A Polyvalent Antibacterial Agent * * * Usual dose: 2 cc. injected subcutaneously (See instruction slip inside)"; (instruction slip) "Dosage.—In acute infections and infectious diseases, as pneumonia or puerperal sepsis, 4 cc. twice a day from one to three days, then 2 cc. daily. To abort colds or influenza, 4 cc. once or twice or to effect. In chronic infections, * * * Give 2 cc. daily for a week, then 2 cc. every other day for several weeks. In infants and children, 1 or 2 cc. daily."

On March 25, 1938, the claimant's exceptions to the second amended libel were argued and were overruled with the following opinion:

BONNY, *District Judge*. "The libel alleges for a first cause of forfeiture that 'the article of drugs' referred to therein is sold under a professed standard of strength, and that the said professed standard of strength is the power of the article to protect certain animals from death when treated with measured doses thereof, as more fully set forth in statements contained in pamphlets published by the claimant, copies of which statements are annexed to the libel. It also alleges that the strength of the article falls below the said professed standard of strength.

"These allegations are sufficient to constitute a violation of the second paragraph section 7 of the Federal Food & Drugs Act (21 U. S. C. Sec. 8), which provides that a drug shall be deemed adulterated 'if its strength or purity fall below the professed standard of quality under which it is sold.'

"The claimant's sole contention is that the pleading is defective because it affirmatively appears therein that 'Edwenil is not sold under a professed standard of strength, but at most, is advertised under such standard.' The basis of this contention is the assertion that the statute is violated only when the professed standard of strength appears on or in the package or on the label.

"The libel, however, does allege: 'The said article is sold under a professed standard of strength.' It does not disclose that the alleged standard was not contained in the package of the article.

"Assuming, however, that the standard is proclaimed only in extrinsic advertising matter published by the claimant and not on the label or package or in any circular contained in the package, the libel is nevertheless sufficient. This conclusion is supported by the fact that the provisions of the act dealing with 'misbranding' are expressly limited to statements on the label or in the package; whereas the section under consideration does not contain any such limitation. It is entirely consistent with the language of the section that the standard be professed in advertising or other extrinsic media. The word professed is defined as 'openly declared, avowed, acknowledged or claimed.' (Webster) A declaration in an advertisement may be as much of an open avowal or profession of standard or quality as a statement on the label or package. The issue under the statute is whether the article has been sold under a professed standard; the place of profession is material only in determining whether the article actually has been sold under the standard.

"The claimant does not contend that a standard has not been professed in the statement annexed to the libel.

"The libel alleges as a second cause of forfeiture that the article is advertised and sold primarily to members of the medical profession; that each carton in which it is sold bears the statement 'Edwenil. A Polyvalent Antibacterial Agent'; that in the medical profession the term 'polyvalent antibacterial agent' when applied to a drug has by usage become a term of identity describing and defining a drug made from serum or a mixture of sera from animals that have been immunized against several species of bacteria; that the article is not made

from serum or sera of the nature described in the libel and that the statement is false and misleading.

"These allegations clearly are sufficient to constitute a violation of section 8 of the act (21 U. S. C. Sec. 9), which provides that misbranding shall apply to all drugs the package or label of which shall bear any statement regarding such article which shall be false or misleading in any particular. See *United States v. 95 Barrels of Vinegar*, 265 U. S. 438, 442, 443.

"The exceptions accordingly are overruled."

On April 19, 1938, the claimant filed an answer to the second amended libel, and on May 6, 1938, an amended answer. On December 29, 1938, the claimant moved to withdraw its appearance, claim, and answer, which motion was granted; and on January 18, 1939, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30232. Adulteration and misbranding of Edwenil. U. S. v. 790 Cartons of Edwenil (and 1 other seizure action against the same product). Consent decrees of condemnation and destruction. (F. & D. Nos. 40035, 40129. Sample Nos. 15192-C, 15194-C.)

The labeling of this product and its composition was essentially the same as that covered by the product in notice of judgment No. 30231.

On August 4 and 20, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,895 cartons of Edwenil at Chicago, Ill.; alleging that the article had been shipped in interstate commerce by Spicer & Co. within the period from on or about January 6 to on or about July 16, 1937; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

The article was alleged to be adulterated in that its strength fell below the professed standard under which it was sold, namely, "A Polyvalent Antibacterial Agent," since it was not a polyvalent antibacterial agent.

The article was alleged to be misbranded in that the statement in the circular and on the carton, "A Polyvalent Antibacterial Agent" was false and misleading. It was alleged to be misbranded further in that certain statements on the carton and in an accompanying circular contained false and fraudulent representations regarding its effectiveness as a polyvalent antibacterial agent, its effectiveness in acute infections and infectious diseases such as pneumonia or puerperal sepsis, and its effectiveness to abort colds or influenza; and in that certain statements in a circular accompanying a portion of the article bore false and fraudulent representations regarding its effectiveness as a stimulant to the production of lysins or antibodies which lyse or destroy the endotoxic bacteria; its effectiveness to increase the quantity of these antibodies and speed their mobilization; its effectiveness in acute diseases of the respiratory system (especially pneumonia), sepsis, cellulitis, carbuncles, and skin infections; and its effectiveness to increase bacteriolysis and increase pus production.

On February 8, 1939, Spicer & Co., claimant, having withdrawn its appearance and having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30233. Adulteration and misbranding of aspirin tablets. U. S. v. 23 Bottles and 17 Bottles of Aspirin Tablets. Default decree of condemnation and destruction. (F. & D. Nos. 44533, 44534. Sample Nos. 9191-D, 9192-D.)

These tablets were represented to contain 5 grains each of aspirin (acetylsalicylic acid), but contained approximately $4\frac{1}{2}$ grains. They failed to conform to the standard prescribed in the National Formulary, since that authority requires that tablets of acetylsalicylic acid shall contain not less than 92.5 percent of the labeled amount of the drug.

On or about December 21, 1938, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 bottles of aspirin tablets at Houston, Tex.; alleging that the article had been shipped in interstate commerce on or about May 18, 1938, by the Charles H. Dietz Co., from St. Louis, Mo.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration was alleged in that the article was sold under a name recognized in the National Formulary, but differed from the standard of strength, quality, and purity as determined by the tests laid down therein, and its own standard

of strength, quality, and purity was not stated on the label. Adulteration was alleged further in that the strength of the article fell below the professed standard and quality under which it was sold.

Misbranding was alleged in that the statement on the label, "Tablet * * * Aspirin 5 grain * * * Each tablet contains: Acetylsalicylic Acid U. S. P. 5 grs.," was false and misleading since the tablets did not contain 5 grains each of acetylsalicylic acid but did contain a less amount.

On January 21, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30234. Misbranding of Lye. U. S. v. 581 Cases of Lycons The New Flake Red Seal Lye. Decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 44709. Sample No. 30852-D.)

The labeling of this veterinary product bore false and fraudulent curative and therapeutic claims.

On January 23, 1939, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 581 cases of lye at Denver, Colo., consigned by B. T. Babbitt, Inc.; alleging that the article had been shipped in interstate commerce on or about August 25 and December 12, 1938, from Wyandotte, Mich.; and charging misbranding in violation of the Food and Drugs Act as amended.

Misbranding was alleged in that the following statements on the sticker attached to the can containing the article, regarding its curative and therapeutic effects, were false and fraudulent:

'Read Hog Success Story On Other Side Now You Can Have Healthier Hogs—Bigger Market Profits. Years ago, farmers discovered that feeding hogs with Babbitt brands of Lye mean lower feed bills, healthier, more valuable hogs . . . bigger profits. Today, more than ever, you'll be wise to use this tried and proved rule. The new flake Lye now packed by B. T. Babbitt gives you three big advantages. 1. It neutralizes acidity in swill. This increases the digestibility of their food and hogs gain weight faster. 2. It is noted for helping keep hogs free from roundworms. Mixing this Lye regularly with the feed your hogs will not be retarded in their feeding. 3. Raisers of Babbitt brand Lye-fed hogs tell us that their stock often gets top prices: 'Unusually firm carcasses . . . ham and belly make a select—strong casings . . . excellent quality and clear white fat.' In any farmer's language, these comments mean Bigger Profits! You too can get these benefits by following the simple directions on the can. Remember, one can of this new Flake Form Lye is enough to treat 200 gallons of swill. Why not start getting these worthwhile dividends today?'

On February 3, 1939, B. T. Babbitt, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30235. Adulteration and misbranding of cod-liver oil. U. S. v. 129 Bottles of Cod Liver Oil. Default decree of condemnation and destruction. (F. & D. No. 44595. Sample No. 26518-D.)

This product contained not more than one-half of the amount of vitamin D declared on the label.

On December 28, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 129 bottles of cod-liver oil at Newark, N. J.; alleging that the article had been shipped in interstate commerce on or about February 3, 1938, by McKesson & Robbins, Inc., from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pure Norwegian Cod Liver Oil * * * Bedesee Pharmacal Co. Incorporated New York."

Adulteration was alleged in that the strength and purity of the article fell below the professed standard or quality under which it was sold, namely, "Each gram contains not less than * * * 150 U.S.P. X (1934) Vitamin 'D' units * * * when biologically assayed," since each gram contained less than represented, namely, not more than 75 U.S.P. units of vitamin D per gram.

Misbranding was alleged in that the statement on the label, "Each gram contains not less than * * * 150 U.S.P. X (1934) Vitamin 'D' units * * * when biologically assayed," was false and misleading.

On January 27, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30236. Misbranding of Elmi Electro Mineralized Water. U. S. v. 51 Bottles of Elmi Electro Mineralized Water. Default decree of condemnation and destruction. (F. & D. No. 43197. Sample No. 21473-D.)

The labeling of this product bore false and fraudulent statements and designs regarding its curative and therapeutic properties. It also was labeled to create the misleading impression that it possessed peculiar electrical properties.

On August 5, 1938, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 51 bottles of Elmi Electro Mineralized Water at Fisher, Ill.; alleging that the article had been shipped in interstate commerce on or about May 6, 1938, by the Electro Mineral Co. from Detroit, Mich.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article was an artificially prepared mineral water containing approximately 0.7 percent of sodium sulfate, a small proportion of alkali, and negligible amounts of other mineral substances.

Misbranding was alleged in that the statements, "Electro Mineralized Water" and "Electro Mineral Company," borne on the bottle label, were false and misleading in that they represented that the article possessed peculiar electrical properties; whereas it did not possess peculiar electrical properties. It was alleged to be misbranded further in that the statement on the label, "Best of the World's Healing Spas," was a statement regarding its curative and therapeutic effects and was false and fraudulent. It was alleged to be misbranded further in that the combination of letters "Elmi," borne on the bottle label, was a statement, design, or device regarding its curative or therapeutic effects and had acquired such a meaning by reason of statements in circulars supplied to purchasers which combination of letters taken together with the statements in the circular, were intended to mean to the purchaser that the article was a treatment for rheumatism, indigestion, boils, decaying teeth, skin eruptions, pains in the joints, diabetes, and other ailments, and that it would afford material relief from all ailments no matter how serious or how obstinate; and were false and fraudulent since the article contained no ingredients capable of producing the effects claimed.

On December 28, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30237. Misbranding of Diatine and Betix. U. S. v. Scheidemann Remedy Co. and Emil H. Scheidemann. Pleas of nolo contendere. Fines, \$400. Payment suspended and defendants placed on probation for 5 years. (F. & D. No. 42613. Sample Nos. 47571-C, 8357-D.)

The labeling of these products bore false and fraudulent statements and devices regarding their curative and therapeutic effectiveness.

On January 3, 1939, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Scheidemann Remedy Co., a corporation, Milwaukee, Wis., and Emil H. Scheidemann, president of the corporation, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about July 7, 1937, and January 6, 1938, from the State of Wisconsin into the States of Ohio and Illinois of quantities of Diatine and Betix, respectively, which were misbranded.

Analyses showed the composition of the products to be essentially the same and that they consisted of coarsely ground plant material composed mainly of juniper wood, bark, needles, and berries, and small quantities of uva-ursi and senna leaves.

The articles were alleged to be misbranded in that the package labels bore the following statements regarding their therapeutic or curative effects: "Diatine [or "Betix"] is * * * a palatable, stimulating * * * beverage that promotes elimination and assists in balancing the body chemistry"; that said statements represented that the articles were effective as treatments, remedies, or cures, for diabetes since they suggested, connoted, or represented

to sufferers from diabetes that the articles would assist their bodies in overcoming a condition characteristic of sufferers from diabetes, namely: the inability properly to utilize sugar in the blood through normal chemical processes and thereby restore a condition characteristic of healthy persons, namely, balance of body chemistry; that the package labels bore certain devices, namely, the designations "Diatine" and "Betix" which represented to purchasers that the articles were effective as treatments, remedies, or cures for diabetes since they were devised and coined in part from the name of the disease "diabetes" and were applied to the articles as devices to identify them with the disease diabetes, and to represent that they possessed a curative or therapeutic effect in the treatment of diabetes; that prior to the time of the shipment of the product, the defendants distributed to dealers in Diatine and Betix, for general distribution, a number of copies of booklets entitled "Diatine" and "Betix," which contained representations regarding the curative and therapeutic effectiveness of Diatine as a treatment of diabetes, and of Betix as a treatment of diabetes and Bright's disease; that the articles were not effective as treatments, remedies, or cures for diabetes or for Bright's disease; and that said devices and said statements on the packages were false and fraudulent both independently and in conjunction with each other.

On January 24, 1939, pleas of nolo contendere were entered on behalf of the defendant and the court imposed a fine of \$200 on each. Payment of the fines was suspended and the defendants were placed on probation for 5 years.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30238. Adulteration and misbranding of camphorated oil; misbranding of olive oil. U. S. v. Ralph Sachs (Sachs Manufacturing Co.). Plea of nolo contendere. Defendant fined \$25 and costs and placed on probation for 2 years. (F. & D. No. 42615. Sample Nos. 9581-D, 21204-D, 22429-D, 22512-D, 22513-D, 24220-D, 24222-D.)

The camphorated oil was found to contain less than 19 percent of camphor, the minimum prescribed in the United States Pharmacopeia, samples from the three shipments having been found to contain 17.19, 17.6, and 16.88 percent, respectively, of camphor. Two of the three shipments, and various lots of olive oil also covered by the case, were found to be short of the declared volume.

On January 7, 1939, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Ralph Sachs, trading as Sachs Manufacturing Co., Pittsburgh, Pa., alleging shipment by said defendant in violation of the Food and Drugs Act within the period from on or about January 11, 1938, to on or about April 4, 1938, of quantities of camphorated oil which was adulterated and misbranded, and olive oil which was misbranded. The articles were labeled in part, respectively: "A R O Pure Virgin Imported Olive Oil" and "A. R. O. Camphorated Oil U. S. P."

The camphorated oil was alleged to be adulterated in that it was sold under a name recognized by the United States Pharmacopeia and differed from the standard of strength, quality, and purity as determined by the test laid down in the pharmacopeia since that authority specifies that camphorated oil "contains * * * not less than 19 percent * * * of camphor"; whereas the article contained less than 19 percent of camphor, and its own standard of strength, quality, or purity was not stated on the container.

Misbranding of the camphorated oil was alleged in that the statements borne on the bottle labels, "Camphorated Oil U. S. P.," with respect to all lots, and "Contents 6 drams" and "Contents 2 oz.," with respect to certain lots, were false and misleading in that they represented that the article conformed to the standard for camphorated oil prescribed in the United States Pharmacopeia, and that the bottles in certain lots contained 6 drams and 2 ounces, respectively, of the said article; whereas the article did not conform to the standards prescribed by the United States Pharmacopeia and the bottles in certain of the lots contained less than 6 drams and 2 ounces, respectively, of the article. Certain of the lots were alleged to be misbranded further in that the statement on the carton, "Guaranteed to comply with Pure Food Laws," was false and misleading in that it represented that the article complied with every provision of the Food and Drugs Act; whereas it did not comply with every provision of the Food and Drugs Act.

The olive oil was alleged to be misbranded in that the statement on the bottle label, "Contents 1½ fl. oz.," was false and misleading and was borne on the label so as to deceive and mislead the purchaser, since the bottles did

not contain $1\frac{1}{2}$ fluid ounces but did contain a less amount. Misbranding of the olive oil was alleged further in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On February 15, 1939, the defendant entered a plea of *nolo contendere*, and the court imposed a fine of \$25 and costs on count I and placed the defendant on probation for 2 years on the remaining counts.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30239. Misbranding of Fowler's solution tablets. U. S. v. 11 5/6 Dozen Bottles of Tablets Fowler's Solution. Default decree of condemnation and destruction. (F. & D. No. 44417. Sample No. 77-D.)

The labeling of this product bore false and fraudulent curative and therapeutic claims. It also bore false and misleading representations that each tablet would make 4 ounces of Fowler's solution, since when dissolved as directed, it would not make Fowler's solution.

On November 29, 1938, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 5/6 dozen bottles of Fowler's solution tablets at Denver, Colo., consigned by Quality Biologic Co.; alleging that the article had been shipped in interstate commerce on or about August 29, 1938, from Kansas City, Kans.; and charging misbranding in violation of the Food and Drugs Act.

Misbranding was alleged in that the following statements appearing in the labeling were false and misleading since they represented that the article was Fowler's solution tablets; whereas it was not Fowler's solution tablets but consisted of tablets containing approximately 1 grain of arsenic trioxide per tablet: "Tablets Fowler's Solution * * * Each Tablet contains sufficient Potassium Arsenite and coloring matter to make four ounces of Fowler's Solution." Misbranding was alleged further in that the following statements in the labeling regarding the curative or therapeutic effects of the article were false and fraudulent: "Indicated in certain case of malnutrition, particularly those attendant to cases of chronic indigestion. * * * Of benefit in the treatment of coryza, ozena, chronic cough, asthma, emphysema, bronchitis, pneumonia, and influenza. Successfully used in certain cases of general debility, pernicious anemia, and leukemia."

On February 10, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30240. Adulteration of Hytest Cold Capsules. U. S. v. International Drug Sales Co. Plea of guilty. Fine, \$50. (F. & D. No. 42631. Sample No. 27528-D.)

This product was represented to contain $1\frac{1}{2}$ grains of acetanilid per capsule, whereas it contained no acetanilid.

On January 5, 1939, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the International Drug Sales Co., a corporation, Denver, Colo., alleging shipment by said company in violation of the Food and Drugs Act on or about October 18, 1937, from the State of Colorado into the State of Wyoming, of a quantity of Hytest Cold Capsules which were adulterated. The article was labeled in part: "Acetanilide $1\frac{1}{2}$ Grain Per Capsule."

It was alleged to be adulterated in that its strength fell below the processed standard and quality under which it was sold in that each of the capsules was represented to contain $1\frac{1}{2}$ grains of acetanilid; whereas they contained no acetanilid.

On January 27, 1939, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30241. Misbranding of Bowman's Cramp and Diarrhoea Mixture. U. S. v. Bowman Bros. Drug Co. Plea of nolo contendere. Fine, \$25. (F. & D. No. 40768. Sample No. 48130-C.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On February 21, 1938, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Bowman Bros. Drug Co., a corporation,

Canton, Ohio, alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about June 18, 1937, from the State of Ohio into the State of West Virginia, of a quantity of Bowman's Cramp and Diarrhoea Mixture which was misbranded.

Analysis showed that the article consisted chiefly of alcohol, water, chloroform, menthol, and a morphine-bearing drug.

Misbranding was alleged in that certain statements, designs, and devices regarding the curative and therapeutic effects of the article borne on the carton and bottle label falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for cramp and diarrhoea; effective as a remedy for cramps in the stomach, bilious colic, bowel complaint, diarrhoea, dysentery, bloody flux, and cholera infantum; and effective as an instant relief in cases of cramps in the stomach or bowels.

On February 3, 1939, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$25.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30242. Adulteration and misbranding of absorbent cotton and gauze bandages. U. S. v. 10 Gross Absorbent Cotton (and 4 other seizure actions against similar products). Decrees of condemnation and destruction. (F. & D. Nos. 38458, 40923, 42037, 42190, 42279. Sample Nos. 7372-C, 56897-C, 56898-C, 10000-D, 10736-D, 12050-D, 12051-D, 12052-D, 23428-D.)

These products, which were represented to be sterile and which had been shipped in interstate commerce and remained unsold and in the original packages, at the time of examination were found to be contaminated with viable micro-organisms.

On October 24, 1936, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 gross packages of absorbent cotton at Erie, Pa. Between November 26, 1937, and April 28, 1938, libels were filed in the District of New Jersey, the Western District of Washington, and the Eastern District of Pennsylvania, against 132 packages of gauze bandages, 152 2-ounce packages, and 71 pounds of absorbent cotton at Newark, N. J., 4 gross packages of absorbent cotton at Seattle, Wash., and 276 packages of absorbent cotton at Easton, Pa. The libels alleged that the articles had been shipped by the American White Cross Laboratories, Inc., from New Rochelle, N. Y., within the period from on or about September 10, 1936, to on or about April 6, 1938; and that they were adulterated and misbranded in violation of the Food and Drugs Act.

The articles were alleged to be adulterated in that their purity fell below the professed standard or quality under which they were sold, since they were labeled variously, "Supreme Rx Quality Surgical Sterilized Absorbent Cotton," "Sterilized After Packaging," and "Sterilized * * * Absorbent Cotton" and were not sterile but contained viable micro-organisms.

Misbranding was alleged in that the following statements and designs appearing variously on the labels were false and misleading: "Supreme Rx Quality Surgical Sterilized Absorbent Cotton," "Sterilized * * * Absorbent Cotton," "Sterilized After Packaging," "The White Cross of Perfection is your protection," "They are scientifically prepared under the most sanitary condition," and "Hospital Cotton Sterilized After Packaging [design of nurse and surgeon in uniform]."

The American White Cross Laboratories, Inc., appeared as claimant and filed answers to each of the libels denying the adulteration and misbranding charges and as a separate and distinct defense alleged that on January 30, 1936, the Federal Trade Commission issued to the claimant an order to cease and desist from the use of the terms "Sterilized" or "Sanitary" in describing cotton unless packaged under conditions prescribed in the said order; and alleged compliance by the claimant with the said order.

On June 23, 1938, the United States attorney for the Western District of Washington filed a motion to strike claimant's answer and a demurrer to the said separate defense. On September 12, 1938, the demurrer was argued and sustained without opinion. On November 23, December 28, and December 30, 1938, and January 30, 1939, judgments of condemnation were entered, either by consent of the claimant or by default, and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30243. Adulteration and misbranding of gauze bandage and surgical absorbent gauze. U. S. v. 25 Gross of Gauze Bandage and 8 Gross of Surgical Absorbent Gauze. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. Nos. 43028, 43063. Sample Nos. 18955-D, 18956-D.)

These products were represented to be sterile, but at the time of examination were found to be contaminated with viable micro-organisms. They had been shipped in interstate commerce and at the time of seizure remained unsold and in the original packages.

On July 6 and 15, 1938, the United States attorney for the Southern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court two libels praying seizure and condemnation of 25 gross of gauze bandage and 8 gross of surgical absorbent gauze at Los Angeles, Calif.; alleging that the articles had been shipped on or about July 20, 1937, and April 6, 1938, from New York, N. Y., by Acme Cotton Products Co., Inc.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The articles were alleged to be adulterated in that their purity fell below the professed standard or quality under which they were sold, "Sterilized after Packaging," since they were not sterile but were contaminated with viable micro-organisms.

Misbranding was alleged in that the statements on the cartons, (both products) "High Test" and "Sterilized after packaging"; (gauze bandage) "This gauze bandage has been prepared from surgical gauze for ready use in first aid or for any other purpose"; (surgical absorbent gauze) "This surgical gauze * * * has been processed to a high degree of * * * refinement for use in the sick room, nursery, first aid, or general household uses," were false and misleading when applied to articles that were not sterile.

On July 23, 1938, Acme Cotton Products Co., Inc., claimant, having admitted the allegations of the libels and the cases having been consolidated, judgment of condemnation was entered, and the products were ordered released under bond, conditioned that they be relabeled under the supervision of this Department. The relabeled products bore the statement: "Gauze Bandage Not Sterile—Warning: This bandage should not be applied to a cut, wound, abrasion, or sore, nor where the skin is broken, nor upon the eyes, in the nose, or in other body cavities, nor as padding in the dressing of fractures where there is any possibility that an abrasion has taken place, unless it is previously completely sterilized."

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30244. Adulteration and misbranding of Bromo Sed and Somno Sed. U. S. v. Roche, Renaud Pharmaceutical Co. Inc., and Thomas N. Roche, and Lawrence J. Renaud. Pleas of guilty. Fines, \$52. (F. & D. No. 42539. Sample Nos. 13928-D, 13929-D.)

These products were represented to contain 2 grains of phenobarbital and 80 grains of strontium bromide per fluid ounce but contained not more than 1.53 and 1.49 grains, respectively, of phenobarbital and not more than 70.3 and 70.7 grains, respectively, of strontium bromide per fluid ounce.

On September 9, 1938, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Roche, Renaud Pharmaceutical Co. Inc., Fairhaven, Mass., Thomas N. Roche, and Lawrence J. Renaud, officers of the corporation, alleging shipment by said defendants in violation of the Food and Drugs Act within the period from on or about November 22, 1937, to on or about December 29, 1937, from the State of Massachusetts into the State of Rhode Island of quantities of Somno Sed and Bromo Sed, which were adulterated and misbranded.

The articles were alleged to be adulterated in that their strength and purity fell below the professed standard under which they were sold, in that they were labeled, "Each fluid ounce contains: Phenobarbital 2 Grains, Strontium Bromide 80 Grains"; whereas each fluid ounce of the article contained less than 2 grains of phenobarbital and less than 80 grains of strontium bromide.

Misbranding was alleged in that the statement on the labels, "Each Fluid Ounce Contains: Phenobarbital 2 Grains, Strontium Bromide 80 Grains," was false and misleading.

On February 15, 1939, pleas of guilty were entered by the individual defendants and on behalf of the corporation, and the court imposed a fine of \$50 against the corporation, and a fine of \$1 against each of the individuals.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30245. Adulteration and misbranding of Bromo-Sed, Forma-Lith, and Fer-Retone; misbranding of Raspamon, Retone, and Elixir Nux, Phosphoric Acid and Calisaya. U. S. v. Thomas N. Roche and Lawrence J. Renaud (Roche, Renaud Co.). Pleas of guilty. Fines, \$20. (F. & D. Nos. 42538. Sample Nos. 20982-C, 20984-C to 20988-C, inclusive.)

This case involved the following products: Bromo-Sed, which was represented to contain in each ounce 2 grains of phenobarbital and 80 grains of strontium bromide but which contained 1.57 grains of phenobarbital and 70.4 grains of strontium bromide per fluid ounce; Forma-Lith which contained no saw palmeto, formin, santalwood, nor lithium benzoate, which were declared on the label and did contain phenobarbital, strontium bromide, celery, and nux vomica, which were not declared; Fer-Retone, which was represented to contain in each ounce 80 grains of ferric and ammonium citrate but which contained not more than 65.3 grains of ferric and ammonium citrate per fluid ounce; Raspamon, which was represented to contain in each ounce three-eighths of a grain of phenobarbital but which contained not less than 0.519 grains of phenobarbital per fluid ounce; Elixir Nux Phosphoric Acid and Calisaya, which was represented to contain in each dram (60 minims) 5 minims of tincture of nux vomica, 10 minims of diluted phosphoric acid and elixir calisaya N. F. Qs. (quantity sufficient to make a fluid dram, namely, 45 minims of elixir calisaya of National Formulary standard) and which should yield from each dram not more than 9.84 milligrams of the anhydrous alkaloids of nux vomica and calisaya but which yielded not less than 13.6 milligrams of such alkaloids; and Retone which was short of the declared volume.

On September 9, 1938, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Thomas N. Roche and Lawrence J. Renaud, copartners trading as Roche, Renaud Co., Fairhaven, Mass., alleging shipment by said defendants in violation of the Food and Drugs Act on or about August 10 and August 16, 1937, from the State of Massachusetts into the State of Rhode Island of quantities of Bromo Sed, Forma-Lith, and Fer-Retone that were adulterated and misbranded, and of quantities of Raspamon, Retone, and Elixir Nux Phosphoric Acid and Calisaya that were misbranded.

The Bromo Sed was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold in that it was labeled, "Each ounce contains: Phenobarbital 2 Grains, Strontium Bromide 80 Grains"; whereas each fluid ounce of the article contained less than 2 grains of phenobarbital and less than 80 grains of strontium bromide. It was alleged to be misbranded in that the statement, "Each ounce contains: Phenobarbital 2 Grains, Strontium Bromide 80 Grains," was false and misleading.

The Forma-Lith was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold in that it was labeled, "Each Dram Contains: Saw Palmeto Grs. I, Triticum Grs. I Formin Grs. VII Mais Grs. I Santalwood Grs. I Lithium Benzoate Grs. III"; whereas the article contained no saw palmeto, formin, santalwood, and lithium benzoate but did contain phenobarbital, strontium bromide, celery, and nux vomica. It was alleged to be misbranded in that the statement, "Each Dram Contains Saw Palmeto Grs. I Formin Grs. VII Santalwood Grs. I Lithium Benzoate Grs. III," was false and misleading since the article did not contain any of the said substances.

The Fer-Retone was alleged to be adulterated in that its strength and purity fell below its professed standard and quality in that it was labeled, "Each ounce contains: Ferric and Ammon. Citrate 80 Grains"; whereas each fluid ounce of the article contained less than 80 grains of ferric and ammonium citrate. It was alleged to be misbranded in that the statement "Each ounce contains: Ferric and Ammon. Citrate 80 Grains" was false and misleading.

The Raspamon was alleged to be misbranded in that the statement "Each ounce contains: Phenobarbital $\frac{3}{8}$ Grs." represented that each fluid ounce of the article contained three-eighths of a grain of phenobarbital; whereas each fluid ounce of the article contained more than three-eighths of a grain of phenobarbital.

Misbranding of the Retone was alleged in that the statement "6 Fluid Ounces," borne on the bottle label, was false and misleading since the bottles contained less than 6 ounces of the article.

Misbranding of the Elixir Nux, Phosphoric Acid and Calisaya was alleged in that the statement, "Each dram contains: Tr. Nux Vomica 5 Mins. Acid Phosphoric Dil. 10 Mins. Elixir Calisaya N. F. Qs.," borne on the label, was false and

misleading since each dram of the article contained tincture of nux vomica and elixir calisaya N. F. in excess of the amount represented.

On February 13, 1939, the defendants entered pleas of guilty and were each sentenced to pay a fine of \$10.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30246. Adulteration and misbranding of sanitary cotton swabs and tongue blades. U. S. v. 21 Cartons of Cotton Swabs and Tongue Blades. Default decree of condemnation and destruction. (F. & D. No. 44550. Sample No. 19769-D.)

These products, which had been shipped in interstate commerce and remained unsold and in the original packages, at the time of examination were found to be contaminated with viable micro-organisms. The swabs were labeled to indicate that they contained an appreciable amount of boric acid; whereas they contained but an inconsequential trace of boric acid.

On December 17, 1938, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 cartons of sanitary swabs and tongue blades at Minneapolis, Minn.; alleging that the articles had been shipped in interstate commerce on or about October 15, 1938, by the Woltra Co., Inc., from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The articles were alleged to be adulterated in that their purity fell below the professed standard or quality under which they were sold, namely, (carton) "Made from sterilized absorbent cotton," since they were not sterile but were contaminated with viable micro-organisms and contained but an inconsequential trace of boric acid.

Misbranding was alleged in that the statements in the labeling, (envelope) "Sanitary applicators with cotton swabs and tongue blades (borated)" and (carton) "Sanitary cotton swab applicators with tongue blades," "Made from sterilized absorbent cotton and dipped in boric acid," and "Sanitary cotton swab applicators are approved and recommended by doctors and nurses," together with designs of a surgeon and a nurse, a man applying an applicator to mouth of boy, and nurse applying an applicator to eye of infant, were false and misleading when applied to articles which were not sterile and which contained but an inconsequential trace of boric acid.

On February 18, 1939, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30247. Misbranding of Wyant's Eye-Bright. U. S. v. 15 Packages of Wyant's Eye-Bright. Default decree of condemnation and destruction. (F. & D. No. 44493. Sample No. 19867-D.)

The labeling of this veterinary product bore false and fraudulent representations regarding its curative and therapeutic effects.

On or about February 6, 1939, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 packages of Wyant's Eye-Bright at Cedar Rapids, Iowa; alleging that the article had been shipped in interstate commerce on or about July 26, 1938, by E. M. Wyant from Los Angeles, Calif.; and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Wyant's Eye-Bright (Eye Salve for Horses and Cattle)."

Analysis showed that the article consisted essentially of calomel, oil of sassafras, and an ointment base.

Misbranding was alleged in that the following statements regarding the curative and therapeutic effects of the article, appearing in the labeling, were false and fraudulent: "Eye-Bright * * * for cataract. Periodic Ophthalmia (Moon Blindness) Inflammation of the eyes from any cause. Removes the white or opaque substance that forms on the eyes, caused by pinkeye, epizootic, distemper, etc. * * * Non-poisonous * * * gives instant relief in cases of inflammation, * * * Brightens the eyes."

On February 24, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30248. Adulteration and misbranding of prophylactics. U. S. v. 15 Gross and 7½ Gross of Prophylactics (and 1 other seizure action against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 44408, 44409, 44432. Sample Nos. 58647-D, 58648-D, 58653-D.)

Samples of this product were found to be defective in that they contained holes.

On November 26 and 29, 1938, the United States attorney for the Western District of Kentucky, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 39½ gross of prophylactics at Louisville, Ky.; alleging that the article had been shipped in interstate commerce by Peerless Rubber Sundries from Akron, Ohio, in part on or about October 17, 1938, and in part on or about November 2, 1938; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Texide." A portion was labeled further: "L. E. Shunk Latex Products, Inc., Akron, Ohio."

Adulteration was alleged in that the strength of the article fell below the professed standard or quality under which it was sold.

Misbranding was alleged in that the following statements in the labeling were false and misleading: "Guaranteed Five Years * * * Prophylactics * * * For prevention of disease."

On January 5, 1939, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30249. Adulteration and misbranding of prophylactics. U. S. v. 5 Gross of Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 44398. Sample No. 22177-D.)

Samples of this product were found to be defective in that they contained holes.

On November 22, 1938, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 5 gross of prophylactics at Milwaukee, Wis.; alleging that the article had been shipped in interstate commerce on or about November 10, 1938, by the Perfection Rubber Co. from Akron, Ohio; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Safe-Tex."

Adulteration was alleged in that the strength of the article fell below the professed standard or quality under which it was sold.

Misbranding was alleged in that the following statements appearing in the labeling were false and misleading: "Safe-Tex * * * The enclosed prophylactics are an aid in preventing venereal diseases * * * For prevention of diseases."

On February 1, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30250. Adulteration and misbranding of Cereal Lactic. U. S. v. Cereal Lactic Co., Inc., Clarence M. Porter, Leroy V. Porter, and Edward R. Hurlock. Pleas of guilty. Corporation sentenced to pay a fine of \$80. No fines imposed against the individuals. (F. & D. No. 39753. Sample Nos. 18643-C, 15120-C, 18859-C, 19905-C.)

Three of the shipments of this product were found to contain not more than 3 percent of the number of aciduric organisms declared on the label. The labeling of two of the said three shipments and that of a fourth shipment bore false and fraudulent curative and therapeutic claims.

On September 26, 1938, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Cereal Lactic Co., Inc., Woodward, Iowa, Clarence M. Porter, Leroy V. Porter, and Edward R. Hurlock, officers of said corporation, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, within the period from on or about July 11, 1936, to on or about February 15, 1937, from the State of Iowa into the States of Missouri, Illinois, and Wisconsin of quantities of Cereal Lactic, of which one lot was adulterated, one lot was misbranded, and the others were adulterated and misbranded.

One shipment of the product was intended for poultry and livestock. Analysis showed that it consisted essentially of the products of corn and wheat and a small proportion of lactic acid. Examination of the remaining lots showed

that they contained micro-organisms in amounts ranging from less than 10,000 to not over 4,000,000 per gram.

Three shipments of the article were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold in that the label of two of the said lots bore the statement, "Bacterial count: 173 million aciduric organisms per gram of dry material," and a circular enclosed in the packages of the remaining lot bore the statement, "Bacteriological count: 173 million aciduric organisms per gram of dry material"; whereas the article contained not more than 3 percent of the number of aciduric organisms so represented. Misbranding of two of the said shipments was alleged in that the statement, "Bacterial count: 173 million aciduric organisms per gram of dry material," borne on the label, were false and misleading.

Misbranding was alleged with respect to two shipments in that the can containing the article bore the statements, "Cereal Lactic is indicated in all gastro-intestinal conditions where a change in intestinal flora is known to be beneficial; also in reflex symptoms due to toxins of gastro-enteric origin," regarding the curative and therapeutic effects of the article, which were false and fraudulent in that they represented that when it is known that a change in the intestinal flora would be beneficial to any gastro-intestinal condition, the article was capable of effecting the change with resultant benefit; and that when the cause of reflex symptoms is toxins of gastro-enteric origin, the article was capable of removing such cause; whereas the article was not capable of producing the effects claimed.

The product intended for poultry and stock was alleged to be misbranded in that certain statements in the circular shipped with it, regarding its curative and therapeutic effects, falsely and fraudulently represented that it was effective as a disease control; that it was a specific for coccidiosis control; that it was effective as a preventive of worms and infection in poultry and other animals; effective as a preventive of necrotic enteritis in hogs; effective to build the bodies of pullets and cause them to lay big eggs, and of chickens to develop into big broilers; that it was a guarantee of hatchability and livability; would promote an abundant flow of milk in brood sows and sustain them in health and flesh; that suckling pigs would wean very young without reduction in their flesh; that its use would enable swine raisers to market them earlier and to improve their quality and smoothness of flesh; that it would increase milk production and maintain a normal ratio of butterfat; that it would cause calves to thrive; that it would cause cattle to digest food more thoroughly, to gain weight faster, and to have smoother skin and bright glossy coats.

On December 23, 1938, the defendants entered pleas of guilty and the court imposed a single fine, namely, \$80, against the corporation.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

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Harosma:		
Berland, Archie.	30229	
Berland, D. F.	30229	
Erie Laboratories.	30229	
Kotenberg, Rose.	30229	
Hydriodic acid:		
Mallinckrodt Chemical Works.	30228	
Hytect Cold Capsules:		
International Drug Sales Co.	30240	
Iodine, tincture of:		
Amitin, S. W.	30214	
Modern Drug & Chemical Co.	30214	
Lye. See Veterinary remedies, Lyons.		
Magnesium Oxide, Phenobarbital, & Atropine Compound Tablets:		
Dietz, C. H.	30216	
Dietz, Charles H., Co.	30216	
Mercury oxide ointment:		
Gilmore, Don, Laboratories, Inc.	30226	
Migraine tablets:		
Hance Bros. & White, Inc.	30211	
Miller's Dr., Intraclean:		
Kisil, Ignacy.	30224	
Miller Co., Inc.	30224	
Miller, J. S.	30224	
Mineral oil:		
Crestol Refineries, Ltd.	30209	
Nostane Products Corporation.	30219	
Murphy's poultry and hog remedies. See Veterinary remedies.		
Nux. Phosphoric Acid, and Calisaya, Elixir:		
Renaud, L. J.	30245	
Roche, Renaud Co.	30245	
Roche, T. N.	30245	
Olive oil:		
Sachs Manufacturing Co.	30238	
Sachs, Ralph.	30238	

¹ Contains opinions of the court.
² Prosecution contested.

Orchotine Tablets:	N. J. No.	Strophanthus, tincture:	N. J. No.
Fetterly, Edward	30222	Direct Sales Co., Inc.	30206
Hudson Pharmacal Co., Inc.	30222	Dotterweich, G. J.	30206
Prophylactics:		Surgical dressings—	
Columbia Wholesale Sundries	30203	cotton, absorbent:	
Pearless Rubber Sundries	30248	American White Cross Labora-	
Perfection Rubber Co.	30249	tories	30242
Shunk, L. E., Latex Products,		swabs:	
Inc.	30248	Woltra Co., Inc.	30246
Quinine, iron, and zinc valerianates		gauze bandages:	
tablets:		Acme Cotton Products Co.,	
Hance Bros. & White, Inc.	30211	Inc.	30243
Raspamon:		American White Cross Labora-	
Renaud, L. J.	30245	tories	30242
Roche, Renaud Co.	30245	Dermay, Inc.	30218
Roche, T. N.	30245	tongue blades:	
Retone:		Woltra Co., Inc.	30246
Renaud, L. J.	30245	Tonsol:	
Roche, Renaud Co.	30245	McCann, E. J.	30225
Roche, T. N.	30245	Tonsol Co.	30225
Rx 333:		Veterinary remedies—	
Berland, Archie	30229	Anti-Firin:	
Berland, D. F.	30229	Marvel Remedies Co.	30208
Erie Laboratories	30229	Bell's Liquo-Garlic:	
Kotenberg, Rose	30229	Homerb & Liquid Garlic Prod-	
333 for Women:		ucts, Inc.	30213
Foundation Laboratories, Inc.	30204	Cereal Lactic:	
Sandalwood oil. See Santal oil.		Cereal Lactic Co.	30250
Santal oil:		Lycons:	
Dodge & Olcott Co.	30205	Babbitt, B. T., Inc.	30234
Magnus, Mabree & Reynard	30215	Murphy's Chick Tablets:	
SC Red Tablets:		Mur-Cop Tablets for Poultry:	
Dietz, C. H.	30216	Flock Vaporizer:	
Dietz, Charles H., Co.	30216	Poultry R-C Tablets:	
Sexol Tablets:		Poultry Respiratory Stimulant:	
Berland, Archie	30229	Swine Alkalizer:	
Berland, D. F.	30229	Murphy Products Co.	30101
Erie Laboratories	30229	Wyant's Eye-Bright:	
Kotenberg, Rose	30229	Wyant, E. M.	30247
Somno Sed:		Water, mineral:	
Renaud, L. J.	30244	Electro Mineral Co.	30236
Roche, Renaud Pharmaceutical			
Co., Inc.	30244		
Roche, T. N.	30244		

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

30251-30375

[Approved by the Acting Secretary of Agriculture, Washington, D. C., April 27, 1939]

30251. Adulteration of frozen lobster tails. U. S. v. 141 Boxes of Lobster Tails. Default decree of condemnation and destruction. (F. & D. No. 44716. Sample Nos. 8148-D, 44120-D.)

This product, at the time of examination, was found to be in part decomposed.

On January 25, 1939, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 141 boxes of lobster tails at New York, N. Y.; alleging that the article had been shipped on or about March 23, 1938, by Hout Bay Canning Co., Ltd., from Capetown, South Africa; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Selected Frozen Cap Spiny Lobster Tails * * * Rising Sun Brand."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On February 20, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30252. Adulteration of frozen fish. U. S. v. 510 Boxes of Red Perch Fillets (and 1 other seizure action against a similar product). Default decrees of condemnation and destruction. (F. & D. Nos. 44721, 44776. Sample Nos. 31886-D, 31888-D, 42946-D, 42947-D.)

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination, samples were found to contain parasitic worms; others showed decomposition.

On January 24 and February 3, 1939, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 728 boxes of frozen fish at Pittsburgh, Pa.; alleging that the article had been shipped within the period from on or about December 23, 1938, to on or about January 19, 1939, by Great Atlantic & Pacific Tea Co. from Boston, Mass.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Red Perch Fillets" or "Pole Star Fillets."

It was alleged to be adulterated in that one shipment consisted wholly or in part of a filthy animal substance and the other consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On February 28 and March 25, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30253. Adulteration of flour. U. S. v. 51 Bags of Flour. Default decree of condemnation and destruction. (F. & D. No. 44109. Sample No. 38165-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages, at the time of examination was found to be insect-infested.

On October 8, 1938, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel (amended October 11, 1938) praying seizure and condemnation of 51 bags of flour at Dothan, Ala.; alleging that the article had been shipped in part on or about July 30, and in part on or about August 27, 1938, by Theo. Stivers Milling Co. from Rome, Ga.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Clear Acme-Evans Company."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On February 24, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30254. Adulteration of flour. U. S. v. 27 Bags of Flour. Default decree of condemnation and destruction. (F. & D. No. 44125. Sample No. 38164-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On October 11, 1938, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 bags of flour at Dothan, Ala.; alleging that the article had been shipped by the Sperry Flour Co. from San Francisco, Calif.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On February 24, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30255. Adulteration of flour. U. S. v. 83 Bags of Flour. Default decree of condemnation and destruction. (F. & D. No. 44218. Sample No. 34507-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On October 24, 1938, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 83 bags of flour at Wilmington, N. C.; alleging that the article had been shipped on or about December 28, 1937, by Pillsbury Flour Mills Co. from Springfield, Ill.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Pillsbury's Springmor Flour."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On February 4, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30256. Adulteration of candy. U. S. v. Bonomo Candy & Nut Corporation and Victor A. Bonomo. Pleas of guilty. Corporation fined \$600; Victor A. Bonomo placed on probation for 2 years. (F. & D. No. 42574. Sample Nos. 9616-D, 9661-D, 10500-D.)

Samples of this product were found to contain insect fragments, rodent hairs, and other filth.

On December 8, 1938, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Bonomo Candy & Nut Corporation, Brooklyn, N. Y., and Victor A. Bonomo, president of the said corporation, alleging shipment by said defendants in violation of the Food and Drugs Act within the period from on or about February 14 to on or about February 25, 1938, from the State of New York into the States of Pennsylvania and Delaware of quantities of candy that was adulterated. It was labeled in part, "Nutty Fruit-Rolls."

The article was alleged to be adulterated in that it consisted in whole and in part of a filthy vegetable substance.

On December 14, 1938, pleas of guilty were entered on behalf of the defendants and the court imposed a fine of \$600 against the corporation. Sentence was suspended as to Victor A. Bonomo and he was placed on probation for 2 years.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30257. Adulteration of flour. U. S. v. 214 Sacks and 177 Sacks of Flour (and 1 similar seizure action). Consent decrees of condemnation. Product released under bond to be denatured. (F. & D. Nos. 44457, 44458. Sample Nos. 38472-D to 38475-D, inclusive.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On September 3, 1938, the United States attorney for the Eastern District of Arkansas, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 763 sacks of flour at Little Rock, Ark.; alleging that the article had been shipped in part on or about April 16, 1938, and in part on or about June 28, 1938, by Wolff Milling Co. from New Haven, Mo.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Upper Ten Extra High Patent Flour," and "Wolff's Four Thought Flour."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On October 3, 1938, H. K. Cochran Co., Little Rock, Ark., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be denatured under the supervision of this Department, for the purpose of preventing its being used for human consumption.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30258. Misbranding and alleged adulteration of canned shrimp. U. S. v. W. M. Brooks Packing Co., Inc. Demurrer and motion for bill of particulars overruled. Tried to a jury. Verdict of guilty on one misbranding count and not guilty on adulteration count and remaining misbranding count. Fine, \$200. (F. & D. No. 42567. Sample Nos. 20556-C, 10565-D.)

This product was represented to have been produced under the supervision of this Department, whereas it was not.

On October 5, 1938, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the W. M. Brooks Packing Co., Inc., Fernandina, Fla., alleging shipment by said company in violation of the Food and Drugs Act on or about December 9, 1936, from the State of Florida into the State of Massachusetts of a quantity of canned shrimp which was alleged to be adulterated; and on or about September 8, 1937, from the State of Florida into the State of Pennsylvania of a quantity of canned shrimp which was misbranded. The article was labeled in part: "Florida Sea Brand Shrimp."

Count 1 of the information charged that the product shipped December 9, 1936, was adulterated in that it consisted in part of a decomposed animal substance.

Count 2 charged that the product shipped September 8, 1937, was misbranded in that the statement on the label, "Production supervised by the U. S. Food and Drugs Administration," was false and misleading in that the said statement represented that the article had been produced under the supervision of the United States Food and Drug Administration; whereas it had not been produced under the supervision of the United States Food and Drug Administration.

Count 3 charged that the latter shipment was misbranded further in that the above-quoted statement on the jar label indicated that the article conformed to the requirements of the law and the regulations of the Secretary of Agriculture promulgated thereunder, namely, that the premises, equipment, sanitation, methods of handling, containers, and labels used in the production and packing of the article had been examined and inspected by inspectors designated by the Secretary of Agriculture for such purposes; whereas it did not conform to the requirements of the law and the said regulations, in that the premises, equipment, sanitation, methods of handling, container, and labels had not been so examined and inspected, and the article was so labeled without proper authority to indicate such conformity.

On October 19, 1938, the defendant filed a demurrer and a motion for a bill of particulars. On February 1, 1939, the demurrer and motion were argued and were overruled without opinion. On February 13, 1939, the case came on for trial before a jury and a verdict of guilty was returned on count 2 and not guilty on counts 1 and 3. On February 27, 1939, the defendant's motion to set aside the verdict was denied and the court imposed a fine of \$200.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30259. Adulteration of flour. U. S. v. 59 Bags, 35 Bags, and 205 Bags of Flour. Consent decree of condemnation. Product released under bond to be denatured for use as stock feed. (F. & D. Nos. 44059, 44060, 44061. Sample Nos. 49770-D, 49771-D, 49772-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages, at the time of examination was found to be insect-infested.

On October 28, 1938, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 299 bags of flour at Clarksdale, Miss.; alleging that the article had been shipped within the period from on or about July 23, 1938, to on or about September 16, 1938, by Dixie-Portland Flour Co. from Memphis, Tenn.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Hi-Up Flour."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On January 26, 1939, Delta Grocery & Cotton Co., Clarksdale, Miss., claimant, having consented to the entry of a decree and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be denatured for use in stock feed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30260. Adulteration of flour. U. S. v. 20 Sacks of Flour. Default decree of condemnation and destruction. (F. & D. No. 44443. Sample No. 36111-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original unbroken packages, at the time of examination was found to be insect-infested.

On December 2, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 sacks of flour at Stockton, Calif.; alleging that the article had been shipped on or about April 22, 1938, by Centennial Flouring Mills Co. from Tacoma, Wash.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Tacoma Grain Co. Millers Bakers Flour."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On December 17, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30261. Adulteration of flour. U. S. v. 85 Bags, et al., of Flour. Consent decree of condemnation. Product released under bond to be denatured for use as stock feed. (F. & D. Nos. 44070 to 44074, inclusive. Sample Nos. 49767-D, 49768-D, 49769-D, 49774-D, 49775-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages, at the time of examination was found to be insect-infested.

On October 28, 1938, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 970 bags of flour at Clarksdale, Miss.; alleging that the article had been shipped within the period from on or about August 30, 1937, to on or about May 26, 1938, by Sparks Flour Mills from Alton, Ill.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Bleached Red Ribbon Flour" or "Hearts Content."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On January 26, 1939, Delta Grocery & Cotton Co., Clarksdale, Miss., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be denatured for use in stock feed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30262. Adulteration of flour. U. S. v. 77 Bags of Flour. Default decree of condemnation and destruction. (F. & D. No. 44599. Sample No. 50218-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages, at the time of examination was found to contain insects and insect fragments.

On December 28, 1938, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 77 bags of flour at Anniston, Ala.; alleging that the article had been shipped on or about October 4, 1937, by the Springfield Flour Mills from Springfield, Mo.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Imperial Flour."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On February 2, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30263. Adulteration of canned pimientos. U. S. v. 204 Cases of Pimientos. Default decree of condemnation and destruction. (F. & D. No. 44652. Sample No. 50057-D.)

This product was decomposed in whole or in part.

On or about January 9, 1939, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 204 cases of pimientos at Houston, Tex.; alleging that the article had been shipped in interstate commerce on or about August 10, 1938, by Georgia Canning Co. from Wayside, Ga.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Spanish Trail Brand Sweet Red Peppers."

It was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On February 9, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30264. Adulteration of apples. U. S. v. 30 Bushels of Apples. Consent decree of condemnation and destruction. (F. & D. No. 44112. Sample No. 38495-D.)

These apples bore arsenic and lead spray residue.

On September 15, 1938, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 bushels of apples at Norman, Okla.; alleging that the article had been shipped in interstate commerce on or about September 9, 1938, from Bentonville, Ark., by Curtis Welch to himself at Norman, Okla.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous ingredients, arsenic and lead, which might have rendered it injurious to health.

On September 17, 1938, the shipper having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30265. Adulteration of flour. U. S. v. 866 Bags, 135 Bags, 116 Bags, and 93 Bags of Flour (and 1 other seizure action against the same product). Consent decrees of condemnation. Product released under bond to be denatured for use in stock feed. (F. & D. Nos. 44083 to 44086, inclusive, 44091, 44092, 44093. Sample Nos. 49780-D to 49786-D, inclusive.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages, at the time of examination was found to be insect-infested.

On or about October 28, 1938, the United States attorney for the Northern District of Mississippi, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,540 bags of flour at Clarksdale, Miss.; alleging that the article had been shipped in part on or about February 4, 1938, and in part on or about July 21, 1938, by Washburn Crosby Co. from Louisville, Ky.; and charging adulteration in violation of the Food and Drugs Act. Certain lots were labeled in part: "Snow Cap Flour * * * Prudential Milling Co. Distributor Louisville, Ky.," the remaining lots were labeled in part, "Purasnow Flour."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On January 26, 1939, the Inter-State Grocer Co., Clarksdale, Miss., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be denatured for use in stock feed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30266. Adulteration of flour. U. S. v. 200 Bags of Flour. Consent decree of condemnation. Product released under bond to be denatured for use as stock feed. (F. & D. No. 44066. Sample No. 49773-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages, at the time of examination was found to be insect-infested.

On October 28, 1938, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 bags of flour at Clarksdale, Miss.; alleging that the article had been shipped on or about February 11, 1938, by Majestic Flour Mill from Aurora, Mo.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Reaper's Gold Self-Rising Flour * * * Packed For the Hammond Mill Seattle, Wash."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On January 26, 1939, Delta Grocery & Cotton Co., Clarksdale, Miss., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be denatured for use in stock feed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30267. Adulteration of candy. U. S. v. Ambrosia Candy Co. Plea of guilty. Fine, \$300 and costs. (F. & D. No. 42580. Sample Nos. 8595-D, 8596-D, 20999-D.)

Samples of this product were found to contain insect fragments and other extraneous matter.

On November 15, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Ambrosia Candy Co., a corporation, Chicago, Ill.; alleging shipment by said defendant in violation of the Food and Drugs Act, in part on or about March 1, 1938, and in part on or about April 21, 1938, from the State of Illinois into the States of Wisconsin and Indiana, respectively, of quantities of candy which was adulterated. It was labeled in part: "Peggy Page Candies" or "Easter Greetings Peggy Page Chicago."

The article was alleged to be adulterated in that it consisted in whole and in part of a filthy vegetable substance.

On January 31, 1939, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$300 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30268. Adulteration of Cream of Rice. U. S. v. 11½ Cases of Cream of Rice (and 3 other seizure actions against the same products). Default decrees of condemnation and destruction. (F. & D. Nos. 44674, 44675, 44689, 44690. Sample Nos. 50060-D to 50063-D, inclusive.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages, at the time of examination was found to be insect-infested.

On or about January 12 and 16, 1939, the United States attorney for the Southern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 66 cases of Cream of Rice at Houston, Tex.; alleging that the article had been shipped within the period from on or about July 13, 1938, to on or about November 28, 1938, by Cream of Rice Co. from New Orleans, La.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On February 13 and 16, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30269. Adulteration of dried pears. U. S. v. 22 Boxes of Dried Pears. Default decree of condemnation and destruction. (F. & D. No. 44625. Sample No. 27449-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original unbroken packages, at the time of examination was found to be moldy and insect-infested, and to contain mouse excreta.

On January 5, 1939, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 boxes of dried pears at Denver, Colo., consigned by California Packing Corporation, alleging that the article had been shipped on or about October 18, 1938, from San Jose, Calif.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Goody Goody Fancy Northern Dried Pears."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy and decomposed vegetable substance.

On February 27, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30270. Adulteration of frozen whole eggs. U. S. v. 100 Cans of Frozen Whole Eggs. Default decree of condemnation and destruction. (F. & D. No. 44561. Sample No. 12135-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original unbroken packages, at the time of examination was found to be in whole or in part decomposed.

On December 22, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 cans of frozen eggs at New York, N. Y., in warehouse stored for the account of O. G. Harp Poultry & Egg Co., Shawnee, Okla.; alleging that the article had been shipped on or about October 15, 1938, by Manhattan Egg Co. from Jersey City, N. J.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On February 17, 1939, default having been theretofore entered and the O. G. Harp Poultry & Egg Co., having secured an order for opening its default and for leave to file an owner's claim, but having failed to file such claim and stipulation for costs, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30271. Adulteration of dried pears. U. S. v. 100 Cases of Dried Pears. Default decree of condemnation and destruction. (F. & D. No. 44654. Sample No. 37128-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages, at the time of examination was found to be insect-infested.

On or about January 13, 1939, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 cases of dried pears at Houston, Tex.; alleging that the article had been shipped on or about December 8, 1938, by Guggenlime & Co. from San Francisco, Calif.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Fuchsia Brand California Extra Choice Halved Pears."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On February 13, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30272. Adulteration of butter. U. S. v. Seven Tubs of Butter. Consent decree of condemnation. Product released under bond to be reconditioned. (F. & D. No. 44781. Sample No. 42170-D.)

This product contained less than 80 percent of milk fat.

On January 27, 1939, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in

the district court a libel praying seizure and condemnation of seven tubs of butter at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce in part on or about October 12, 1938, from Cedar Rapids, Iowa, and in part on or about January 18, 1939, from Chicago, Ill., by Miles Freedman; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by law.

On February 3, 1939, Miles Freedman having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned so that it comply with the law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30273. Adulteration of canned shrimp. U. S. v. 24½ Cases of Shrimp. Default decree of condemnation and destruction. (F. & D. No. 44429. Sample No. 89761.)

This product was in whole or in part decomposed.

On November 28, 1938, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24½ cases of canned shrimp at Seattle, Wash.; alleging that the article had been shipped in interstate commerce on or about October 7, 1938, by the J. H. Pelham Co. from Pascagoula, Miss.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sea-Fresh Brand Shrimp."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On January 24, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30274. Adulteration and misbranding of Punch-Ade. U. S. v. 21 Cases of Punch-Ade. Default decree of condemnation and destruction. (F. & D. No. 39883. Sample Nos. 21001-C to 21007-C, inclusive.)

These products were labeled to convey the impression that they could be used as bases for fruitade. Examination showed that they were artificially colored acid solutions containing little or no fruit juices; that some contained citrus-oil flavor and others, artificial flavor.

On June 21, 1937, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 cases of Punch-Ade of assorted flavors at White River Junction, Vt.; alleging that the articles had been shipped in interstate commerce on or about April 26 and 27, 1937, by Snow Crest Beverages, Inc., from Salem, Mass.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Beats All Punch-Ade * * * Snow Crest, Salem, Mass."

They were alleged to be adulterated in that artificially colored acid solutions, containing artificial flavor or citrus-oil flavor, and little or no fruit juices, had been substituted wholly or in part for the articles; and in that they had been mixed and colored in a manner whereby inferiority was concealed.

They were alleged to be misbranded in that the following statements in the labeling were false and misleading and tended to deceive and mislead the purchaser when applied to articles that contained little or no fruit juices, "Punch-Ade Raspberry [or "Cherry," "Grape," "Strawberry," "Orange," "Lemon," or "Lemon-Lime"] Flavor"; and in that they were imitations of other articles.

On August 29, 1938, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30275. Adulteration and misbranding of chocolate-flavored malted milk. U. S. v. The Euclid Coffee Co. Plea of nolo contendere. Fine, \$50. (F. & D. No. 39824. Sample Nos. 46379-C, 48720-C, 56101-C, 56102-C, 56123-C, 56124-C, 56125-C.)

This product was represented to be chocolate-flavored malted milk, whereas it contained little or no malted milk.

On January 22, 1938, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district

court an information against the Euclid Coffee Co., a corporation, Cleveland, Ohio, alleging shipment by said defendant in violation of the Food and Drugs Act, within the period from on or about May 20, 1937, to on or about July 7, 1937, from the State of Ohio into the States of Pennsylvania and Missouri, of quantities of chocolate-flavored malted milk that was adulterated and misbranded. Portions were labeled: "Taste Rite Chocolate Flavored Malted Milk. * * * The Euclid Coffee Company, Cleveland, Ohio." The remainder was labeled: "Fyne Taste Chocolate Flavored Malted Milk * * * Distributed by Union Premier Stores, Inc. Philadelphia, Pa."

The article was alleged to be adulterated in that a product which contained no malted milk in some instances and little, if any, in others had been substituted for chocolate-flavored malted milk, which it purported to be.

It was alleged to be misbranded in that the statements on the labels, "Chocolate Flavored Malted Milk * * * a blend of the finest grades of malted milk," with respect to portions, and "Choc. Flavored * * * [or "Chocolate Flavored"] Malted Milk," with respect to the remainder, were false and misleading and were borne on the labels so as to deceive and mislead the purchaser, since they represented that the article consisted wholly of chocolate-flavored malted milk and in certain instances that it was a blend of the finest grades of malted milk; whereas it contained little or no malted milk.

On February 3, 1939, a plea of nolo contendere having been entered, the court imposed a fine of \$50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30276. Adulteration of canned shrimp. U. S. v. 49 Cases of Canned Shrimp. Default decree of condemnation and destruction. (F. & D. No. 44764. Sample No. 59572-D.)

This product was found to be in whole or in part decomposed.

On February 1, 1939, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 49 cases of canned shrimp at New York, N. Y.; alleging that the article had been shipped on or about October 1, 1937, from Risør, Norway, by Olav Flekke; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "A-La-Carte Brand Choicest Norwegian Cocktail Shrimps."

Adulteration was alleged in that the article consisted in whole or in part of a decomposed animal substance.

On March 6, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30277. Adulteration of cracked wheat. U. S. v. 142 Bags of Cracked Wheat. Default decree of condemnation and destruction. (F. & D. No. 44867. Sample No. 27001-D.)

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination it was found to have a cresollike odor and taste. In some samples cresol was found.

On February 23, 1939, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 142 bags of cracked wheat at New York, N. Y.; alleging that the article had been shipped on or about November 7, 1938, from Fresno, Calif., by the California Sun Dry Boulgour Co.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that cresol had been mixed and packed with the article so as to reduce or lower or injuriously affect its quality, and had been substituted in part therefor.

On March 6, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30278. Adulteration of lobster tails. U. S. v. 150 Pounds of Captail Brand Tails Langouste. Default decree of condemnation and destruction. (F. & D. No. 44688. Sample No. 58921-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be in part decomposed.

On January 14, 1939, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 150 pounds of lobster tails at Cincinnati, Ohio; alleging that the article had been shipped on or about December 14, 1938, by M. Feigenbaum & Sons from Pittsburgh, Pa.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Captail Brand Tails Langouste."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed and putrid animal substance.

On March 3, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30279. Adulteration of butter. U. S. v. 163 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 45045. Sample Nos. 54125-D, 54128-D.)

This product contained less than 80 percent by weight of milk fat.

On February 3, 1939, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 163 tubs of butter at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about January 23, 1939, by the O. G. Harp Poultry & Egg Co. from Shawnee, Okla.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On February 14, 1939, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked to the legal standard.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30280. Adulteration of tomato puree. U. S. v. Oconomowac Canning Co. Plea of guilty. Fine, \$50. (F. & D. No. 39804. Sample Nos. 33260-C, 33261-C.)

This product contained excessive mold.

On December 10, 1937, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Oconomowac Canning Co., a corporation, Sun Prairie, Wis., alleging shipment by said company in violation of the Food and Drugs Act on or about March 10 and March 31, 1937, from the State of Wisconsin into the State of Illinois of quantities of tomato puree that was adulterated. The article was labeled in part: "Barco Brand * * * Tomato Puree Distributors B. A. Raitlon Co. Chicago Milwaukee."

Adulteration was alleged in that the article consisted in whole and in part of a filthy and decomposed vegetable substance.

On February 28, 1939, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30281. Adulteration of candy. U. S. v. 14 Cartons of Candy. Default decree of condemnation and destruction. (F. & D. No. 43111. Sample No. 37721-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On or about August 22, 1938, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 cartons of candy at Gulfport, Miss.; alleging that the article had been shipped on or about February 10, 1938, by Mars, Inc., from Chicago, Ill.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted wholly or in part of a filthy vegetable substance.

On February 23, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30282. Adulteration of candy. U. S. v. 11 Cartons of Candy. Default decree of condemnation and destruction. (F. & D. No. 43112. Sample No. 37722-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On or about July 28, 1938, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 cartons of candy at Gulfport, Miss.; alleging that the article had been shipped on or about September 11, 1938, by the Curtiss Candy Co. from Chicago, Ill.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted wholly or in part of a filthy vegetable substance.

On February 23, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30283. Adulteration of candy. U. S. v. Seven Cartons of Candy. Default decree of condemnation and destruction. (F. & D. No. 43415. Sample No. 38023-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On or about September 1, 1938, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of seven cartons of candy at Biloxi, Miss.; alleging that the article had been shipped on or about November 15, 1937, by the Brock Candy Co. from Chattanooga, Tenn.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted wholly or in part of a filthy vegetable substance.

On February 23, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30284. Adulteration of candy. U. S. v. Five Cartons of Candy. Default decree of condemnation and destruction. (F. & D. No. 43417. Sample No. 38024-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On or about September 2, 1938, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five cartons of candy at Biloxi, Miss.; alleging that the article had been shipped on or about May 25, 1938, by the Williamson Candy Co. from Chicago, Ill.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted wholly or in part of a filthy vegetable substance.

On February 23, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30285. Adulteration of candy. U. S. v. Seven Cartons of Candy. Default decree of condemnation and destruction. (F. & D. No. 43418. Sample No. 38025-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On or about September 1, 1938, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of seven cartons of candy at Biloxi, Miss.; alleging that the article had been shipped on or about February 9, 1938, by Bob's Candy & Peanut Co. from Albany, Ga.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted wholly or in part of a filthy vegetable substance.

On February 23, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30286. Adulteration of candy. U. S. v. 14 Cartons of Candy. Default decree of condemnation and destruction. (F. & D. No. 43419. Sample No. 38026-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On or about September 1, 1938, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 cartons of candy at Biloxi, Miss.; alleging that the article had been shipped on or about March 19, 1937, by the New England Confectionery Co. from Cambridge, Mass.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted wholly or in part of a filthy vegetable substance.

On February 23, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30287. Adulteration of candy. U. S. v. 15 Cartons of Candy. Default decree of condemnation and destruction. (F. & D. No. 43361. Sample No. 37639-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On or about September 2, 1938, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cartons of candy at Biloxi, Miss.; alleging that the article had been shipped on or about June 16, 1938, by the Primrose Candy Co. from New Orleans, La.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted wholly or in part of a filthy vegetable substance.

On February 23, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30288. Adulteration of candy. U. S. v. 11 Cartons and 9 Cartons of Candy. Default decrees of condemnation and destruction. (F. & D. Nos. 43377, 43378. Sample Nos. 37637-D, 37638-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On or about September 1, 1938, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 20 cartons of candy at Biloxi, Miss.; alleging that the article had been shipped on or about June 23 and July 7, 1938, by the McGraw Candy Co. from Mobile, Ala.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted wholly or in part of a filthy vegetable substance.

On February 23, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30289. Adulteration of canned cherries. U. S. v. 148 Cases of Canned Cherries. Default decree of condemnation and destruction. (F. & D. No. 44528. Sample Nos. 43442-D, 43445-D.)

Samples of this product were found to contain maggots.

On December 14, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 148 cases of canned cherries at San Francisco, Calif.; alleging that the article had been

shipped in interstate commerce on or about March 25, 1933, by the Olympia Canning Co. from Olympia, Wash.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Mountain Home Brand Water Pack Red Sour Pitted Cherries Haas Brothers San Francisco * * * Cal., Distributors."

Adulteration was alleged in that the article consisted wholly or in part of a filthy vegetable substance.

On March 8, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30290. Adulteration of walnut meats. U. S. v. 100 Cases of Walnut Meats (and 3 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 44252, 44289, 44307, 44308. Sample Nos. 36080-D, 43224-D, 43225-D, 43226-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be in part insect-infested, moldy, and rancid.

On October 28 and November 4, 7, and 8, 1938, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 100 cases and 75 cartons of walnut meats at Seattle, Wash., and 15 cartons at Tacoma, Wash.; alleging that the article had been shipped on or about October 18 and 28, 1938, by Sunset Nut Shelling Co. from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On January 24 and February 25, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30291. Adulteration of butter. U. S. v. Page Milk Co. Plea of guilty. Fine, \$50. (F. & D. No. 42606. Sample Nos. 2765-D, 21739-D, 21740-D.)

This product contained less than 80 percent by weight of milk fat.

On November 26, 1938, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Page Milk Co., a corporation trading at Marshall, Mo., alleging shipment by said company in violation of the Food and Drugs Act on or about June 10, 1937, and April 14, 1938, from the State of Missouri into the States of California and Illinois, respectively, of quantities of butter which was adulterated.

Adulteration was alleged in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as prescribed by the act of Congress of March 4, 1923, which the article purported to be.

On February 17, 1939, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30292. Adulteration of scallops. U. S. v. Charles T. Maddrix and Herman L. Sterling (Fort Myers Sea Food Co.). Pleas of nolo contendere. Fines, \$40. (F. & D. No. 42544. Sample Nos. 12220-D to 12223-D, inclusive.)

This product contained an excessive amount of water.

On September 13, 1938, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Charles T. Maddrix and Herman L. Sterling, copartners trading as Fort Myers Sea Food Co., Fort Myers, Fla., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about March 17, 1938, from the State of Florida into the State of New York of quantities of scallops that were adulterated.

The article was alleged to be adulterated in that water had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality and strength; and in that water had been substituted in part thereof.

On February 20, 1939, pleas of nolo contendere having been entered by the defendants, the court imposed a fine of \$20 against each.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30293. Adulteration of frozen whole eggs. U. S. v. 30 Cans of Whole Eggs. Default decree of condemnation and destruction. (F. & D. No. 44480. Sample No. 12134-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages, at the time of examination, was found to be in part decomposed.

On December 6, 1938, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 cans of whole eggs at Brooklyn, N. Y.; alleging that the article had been shipped on or about November 15, 1938, by Belzer Egg Products Co. from Kansas City, Mo.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part; "Whole Eggs."

It was alleged to be adulterated in that it consisted in part of a decomposed animal substance.

On February 18, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30294. Adulteration and misbranding of butter. U. S. v. Yorkshire Creamery Co. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 40796. Sample Nos. 35336-C, 35338-C.)

This product contained less than 80 percent of milk fat.

On April 30, 1938, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Yorkshire Creamery Co., a corporation trading at Bruce, Miss., alleging shipment by said company in violation of the Food and Drugs Act, on or about August 20 and 26, 1937, from the State of Mississippi into the State of Tennessee of quantities of butter that was adulterated and misbranded. The article was labeled in part: "Riverdale Brand [or "Morrell's Yorkshire Farm Brand"] Creamery Butter * * * Distributed by John Morrell & Co. Ottumwa, Iowa."

It was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as prescribed by act of March 4, 1923.

It was alleged to be misbranded in that the statement "Butter," borne on the cases, cartons, and wrappers, was false and misleading, since the said statement represented that the article was butter, a product which should contain not less than 80 percent by weight of milk fat; whereas it contained a less amount.

On December 9, 1938, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30295. Adulteration and misbranding of tomato catsup. U. S. v. 156 Bottles of Horse-Shoe Brand Tomato Catsup. Default decree of condemnation and destruction. (F. & D. No. 42214. Sample No. 9278-D.)

This product was found to contain added apple pulp.

On April 21, 1938, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 156 bottles of tomato catsup at Biloxi, Miss.; alleging that the article had been shipped in interstate commerce on or about April 1, 1938, by the Horse-Shoe Pickle Works, Ltd., New Orleans, La.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Horse-Shoe Brand Tomato Catsup."

Adulteration was alleged in that a substance containing apple pulp had been substituted wholly or in part for tomato catsup, which the article purported to be.

Misbranding was alleged in that the statement "Tomato Catsup" was false and misleading and tended to deceive and mislead the purchaser when applied to an article which contained apple pulp. It was alleged to be misbranded further in that it was an imitation of and was offered for sale under the distinctive name of another article.

On February 23, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30296. Adulteration of tomato catsup. U. S. v. 91 Cases of Catsup. Portion of product condemned and destroyed. Remainder released to claimant. (F. & D. No. 44549. Sample No. 27439.)

A part of this product was found to contain excessive mold.

On January 4, 1939, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 91 cases of catsup at Casper, Wyo.; alleging that the article had been shipped in interstate commerce on or about October 13, 1939, by the Delta Canning Co. from Delta, Colo.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Town Talk * * * Catsup * * * Packed For the Stone-Hall Co. Denver, Colorado."

Adulteration was alleged in that the article consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On February 21, 1939, the Delta Canning Co., claimant, having admitted that a portion of the product identified by certain codes was not fit for human consumption, and its having been ascertained that a portion identified by other codes was not adulterated, judgment was entered condemning the former and ordering its destruction, and further ordering that the good codes be released upon payment of costs by the claimant.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30297. Adulteration of corn meal. U. S. v. Nine Sacks of Corn Meal. Default decree of condemnation and destruction. (F. & D. No. 43362. Sample No. 37640-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On or about September 1, 1938, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine sacks of corn meal at Gulfport, Miss.; alleging that the article had been shipped on or about July 12, 1938, by the Quaker Oats Co. from St. Joseph, Mo.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Aunt Jemima White Cream Corn Meal."

Adulteration was alleged in that the article consisted wholly or in part of a filthy vegetable substance.

On February 23, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30298. Adulteration of frozen fish. U. S. v. 202 Cases of Cod Fillets and 12 Cases of Red Perch (and 3 similar seizure actions). Decrees of condemnation and destruction. (F. & D. Nos. 44702, 44703, 44715, 44795, 44806. Sample Nos. 27480-D, 31103-D, 31127-D, 37359-D, 37360-D, 41120-D.)

These products, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, were found to be in part decomposed and in part infested with parasitic worms.

On January 20 and 23, and February 7 and 9, 1939, the United States attorneys for the District of Colorado and the District of Nebraska, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 219 cases and 798 boxes of frozen fish at Denver, Colo., and 189 boxes of frozen fish at Omaha, Nebr., consigned in part by Henry & Close, Inc., and in part by Booth Fisheries Corporation; alleging that the article had been shipped within the period from on or about July 18, 1938, to on or about January 19, 1939, from Boston, Mass.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part variously: "Skinned Cod Fillets Igloo Brand"; "Boneless Fish Tastyloins Sea Perch"; "Sprayblown Fillets"; "Green Dot Fillets"; "Eels"; "Red Perch Fillets."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy and decomposed animal substance.

On March 2, 1939, no claim having been entered for the lots seized at Denver, Colo., and the Booth Fisheries Corporation having admitted the allegations of the libel filed against the lot at Omaha, Nebr., judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30299. Adulteration and misbranding of raspberry preserves. U. S. v. 4½ Cartons and 3½ Cartons of Raspberry Preserves. Default decree entered. Product ordered distributed to charitable institutions. (F. & D. No. 44354. Sample No. 26579-D.)

This product was found to contain added apple.

On November 16, 1938, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight cartons of raspberry preserves at Bridgeport, Conn.; alleging that the article had been shipped in interstate commerce on or about October 11, 1938, by Fresh Grown Preserve Corporation from Brooklyn, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Top Notch Brand Pure Raspberry Preserve * * * Sun Distributing Co. Inc. Distributors Bklyn, N. Y."

Adulteration was alleged in that apple had been substituted in whole or in part for the article.

Misbranding was alleged in that the statement "Pure Raspberry Preserve" was false and misleading and tended to deceive and mislead the purchaser when applied to an article that contained apple. Misbranding was alleged further in that the article was an imitation of and was offered for sale under the distinctive name of another article.

On March 6, 1939, no claimant having appeared, judgment was entered ordering that the product be delivered to charitable institutions and that the United States marshal destroy the containers.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30300. Misbranding of canned pineapple juice. U. S. v. 29 Dozen Cans Juice Sliced Hawaiian Pineapple. Default decree of condemnation. Product ordered sold. (F. & D. No. 44739. Sample No. 50056-D.)

This product was pineapple juice but was labeled to indicate that it was sliced pineapple in juice.

On or about January 26, 1939, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29 dozen cans of pineapple juice at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about March 30, 1938, by Griffith-Durney Co., from San Francisco, Calif.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Bonita Fancy Quality Sliced Hawaiian Pineapple." The label also bore a vignette of sliced pineapples in a dish with the word "Juice" imprinted on it.

The article was alleged to be misbranded in that the statement "Sliced Hawaiian Pineapple Net Contents 1 lb. 4 Oz.," together with a vignette depicting a dish of sliced pineapple, was false and misleading and tended to deceive and mislead the purchaser when applied to pineapple juice; and this misleading impression was not corrected by the word "Juice," since the latter merely implied that the article was packed in juice.

On February 27, 1939, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be sold, that it be relabeled before resale, and that the purchaser execute a bond conditioned that it should not be disposed of in violation of the law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30301. Adulteration of walnut meats. U. S. v. Four Cases and Four Cases of Walnut Meats. Default decree of condemnation and destruction. (F. & D. No. 44524, 44525. Sample Nos. 20575-D, 20576-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages, at the time of examination was found to be worm-damaged, moldy, and rancid.

On or about December 15, 1938, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight cases of walnut meats at Phoenix, Ariz., consigned by West Coast Bakers Supply Co.; alleging that the article had been shipped in part on or about October 27, 1938, and in part on or about November 23, 1938, from Los Angeles, Calif.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "California Shelled Walnuts Special Amber."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy and decomposed vegetable substance.

On January 24, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30302. Adulteration of candy. U. S. v. 15 Boxes of Candy. Default decree of condemnation and destruction. (F. & D. No. 43843. Sample No. 38253-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages, at the time of examination was found to be insect-infested.

On September 10, 1938, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 boxes of candy at Port Arthur, Tex.; alleging that the article had been shipped on or about January 31, 1938, by the Schall Candy Co. from Clinton, Iowa; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted wholly or in part of a filthy vegetable substance.

On October 1, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30303. Adulteration of candy. U. S. v. 23 Boxes of Candy. Default decree of condemnation and destruction. (F. & D. No. 43855. Sample No. 38254-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages, at the time of examination was found to be insect-infested.

On September 12, 1938, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 boxes of candy at Port Arthur, Tex.; alleging that the article had been shipped on or about May 13, 1938, by Keppel & Ruof, Inc., from Lancaster, Pa.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted wholly or in part of a filthy vegetable substance.

On October 1, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30304. Adulteration of lobster tails. U. S. v. 23 Boxes of Lobster Tails. Default decree of condemnation and destruction. (F. & D. No. 44763. Sample Nos 8146-D, 8150-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages, at the time of examination was found to be in part decomposed.

On February 1, 1939, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 boxes of lobster tails at New York, N. Y., in possession of the International Lobster Co.; alleging that the article had been shipped on or about October 6, 1938, from Washington, D. C., by the Terminal Storage Warehouse; and charging adulteration in violation of the Food and Drugs Act. This shipment represented goods previously sent to Washington and returned by the warehouse company. The article was labeled in part: "Fresh Frozen Lobster Tails, King Klip Brand * * * Packed by the Duikersklip Fisheries (Pty.), Limited, Cape Town, South Africa."

Adulteration was alleged in that the article consisted in whole or in part of a decomposed animal substance.

On March 6, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30305. Adulteration of lobster tails. U. S. v. 495 Boxes of Lobster Tails. Default decree of condemnation and destruction. (F. & D. No. 44786. Sample No. 8151-D.)

This product, at the time of examination, was found to be in part decomposed.

On February 7, 1939, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 495 boxes of lobster tails at New York, N. Y.; alleging that the article had been shipped by F. O. Meyer & Co. from Capetown, South Africa, through Southampton, England, that it had arrived at New York on or about January 19, 1938; and charging that it was adulterated in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted wholly or in part of a decomposed animal substance.

On March 6, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30306. Adulteration of headless shrimp. U. S. v. 67 Boxes of Fresh Headless Shrimp. Default decree of condemnation and destruction. (F. & D. No. 44885. Sample No. 20617-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages, at the time of examination was found to be in part decomposed.

On February 8, 1939, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 67 boxes of headless shrimp packed in ice at Los Angeles, Calif.; alleging that the article had been shipped on or about February 4, 1939, by I. H. Shannon for A. N. Karam from Nogales, Ariz.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted in whole or in part of a decomposed animal substance.

On March 7, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30307. Adulteration of flour. U. S. v. 48 Bags of Flour (and 2 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 44174, 44175, 44176. Sample Nos. 38032-D, 38033-D, 38034-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages, at the time of examination was found to be insect-infested.

On October 24, 1938, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 164 bags of flour at Gulfport, Miss.; alleging that the article had been shipped on or about August 8, 1938, from Mount Vernon, Ind., by Fuhrer-Ford Milling Co.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Peerless Mills Golden Glow."

Adulteration was alleged in that the article consisted wholly or in part of a filthy vegetable substance.

On February 23, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30308. Adulteration of dried prunes. U. S. v. 25 Cases of Dried Prunes. Default decree of condemnation and destruction. (F. & D. No. 44338. Sample No. 45017-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages, at the time of examination was found to be insect-infested.

On November 18, 1938, the United States attorney for the Northern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 cases of dried prunes at Panama City, Fla.; alleging that the article had been shipped on or about September 1, 1937, by the California Prune & Apricot Growers' Association, of San Jose, Calif., from San Francisco, Calif.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Golden Glow Prunes."

Adulteration was alleged in that the article consisted in whole or in part of a filthy vegetable substance.

On March 6, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30309. Adulteration of canned salmon. U. S. v. 450 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond. (F. & D. No. 44617. Sample No. 36880-D.)

This product was in part decomposed.

On or about January 11, 1939, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 450 cases of canned salmon at Pittsburg, Kans.; alleging that the article had been shipped in interstate commerce on or about April 30, 1938, by McGovern & McGovern from Bay City, Oreg.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sea North Brand Select Salmon * * * Distributed by McGovern & McGovern Seattle."

It was alleged to be adulterated in that it consisted wholly or in part of a decomposed and putrid animal substance.

On February 13, 1939, Tillamook Bay Fish & Crab Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it should not be disposed of in violation of the laws.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30310. Adulteration of chicory and chicory tablets. U. S. v. Five Cases of Franck Tablets (and eight other seizure actions against chicory). Default decrees of condemnation and destruction. (F. & D. Nos. 44734, 44735, 44741, 44742, 44819, 44820, 44882, 44883, 44884, 44893. Sample Nos. 42173-D, 42174-D, 42347-D, 59521-D, 59565-D to 59568-D, inclusive, 59579-D, 59580-D, 59721-D.)

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination samples were found to contain insect fragments and rodent hairs.

Between the dates of January 26 and February 23, 1939, the United States attorneys for the District of New Jersey and the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 41 cases, 56 cartons, and 821 packages of chicory, and 5 cases of chicory tablets in various lots at Newark, North Bergen, Jersey City, and Passaic, N. J., and Philadelphia and Allentown, Pa.; alleging that the article had been shipped within the period from on or about December 20, 1938, to on or about January 21, 1939, by Heinrich Franck Sons, Inc., in part from Flushing, N. Y., and in part from Corona, N. Y.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Franck Chicory" or "Franck Tablets."

Adulteration was alleged in that the article consisted in whole or in part of a filthy vegetable substance.

On March 14, 28, 29, and 30, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30311. Adulteration of shelled peanuts. U. S. v. 25 Bags of Shelled Peanuts. Default decree of condemnation. Product ordered delivered to a Federal institution to be used for stock feed only. (F. & D. No. 44711. Sample No. 33477-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages, at the time of examination was found to be filthy, decomposed, and moldy.

On January 23, 1939, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 bags of shelled peanuts at Detroit, Mich.; alleging that the article had been shipped on or about January 3, 1939, by Pond Bros. Peanut Co., Inc., from Suffolk, Va.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy and decomposed vegetable substance.

On February 8, 1933, no claimant having appeared, judgment of condemnation was entered and the product was ordered turned over to a Federal institution to be used for stock feed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30312. Adulteration of butter. U. S. v. 25 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 44896. Sample No. 54131-D.)

This product contained less than 80 percent of milk fat.

On February 6, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 tubs of butter at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about January 30, 1933, by Renwick Community Creamery from Renwick, Iowa; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by act of March 4, 1923.

On February 21, 1933, A. D. Gimer, trading as Renwick Community Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked to the legal standard.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30313. Adulteration of frozen perch filets. U. S. v. 797 Boxes of Frozen Perch Filets. Default decree of condemnation and destruction. (F. & D. No. 44824. Sample Nos. 29200-D, 65603-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages, at the time of examination, was found to be in part decomposed.

On or about February 14, 1933, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 797 boxes of frozen perch filets at Atlanta, Ga.; alleging that the article had been shipped on or about January 11, 1933, by Atlantic Coast Fisheries from Gloucester, Mass.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On March 8, 1933, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30314. Misbranding of canned cherries. U. S. v. 28 Cases and 79 Cases of Red Sour Pitted Cherries. Decrees of condemnation. Portion of product released under bond for relabeling; remainder destroyed. (F. & D. Nos. 44297, 44687. Sample Nos. 3317-D, 43356-D, 43481-D.)

This product was substandard because of the presence of an excessive number of pits, and it was not labeled to indicate that it was substandard.

On November 4, 1933, and January 13, 1933, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 28 cases of canned cherries at San Francisco, Calif., and 79 cases of canned cherries at Oakland, Calif.; alleging that the article had been shipped in interstate commerce on or about October 7 and December 2, 1933, by the Stayton Canning Co. Cooperative in part from Portland, Oreg., and in part from Stayton, Oreg.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Mountain Home Brand * * * Pitted Cherries * * * Haas Brothers Distributors."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since there was present more than 1 cherry pit per 20 ounces of net contents, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On March 7, 1939, no claim having been entered for the lot seized at San Francisco, judgment of condemnation was entered and the lot was ordered destroyed. On March 13, 1939, Stayton Canning Co. Cooperative, claimant for the lot seized at Oakland, having consented to the entry of a decree, judgment of condemnation was entered, and the product was order released under bond conditioned that it be re-labeled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30315. Adulteration of canned oysters. U. S. v. 198 Cases and 246 Cases of Canned Oysters. Consent decree of condemnation with provisions for release under bond for segregation and destruction of unfit portion. (F. & D. Nos. 44498, 44499. Sample Nos. 40185-D, 40186-D.)

This product was in part decomposed.

On December 13, 1938, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 444 cases of canned oysters at Kalispell, Mont.; alleging that the article had been shipped in interstate commerce on or about November 16, 1938, by the Dunbar-Dukate Co. from New Orleans, La.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Pelican Brand Cove Oysters Packed for Dunbar-Dukate Co. Inc."

Adulteration was alleged in that the article consisted in whole and in part of a filthy, decomposed, and putrid animal substance.

On March 8, 1939, the Dunbar-Dukate Co. having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that the portion unfit for human consumption be segregated and destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30316. Adulteration of apples. U. S. v. 20 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 44423. Sample No. 32156-D.)

This product was contaminated with arsenic and lead.

On September 30, 1938, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 bushels of apples at Bloomington, Ill.; alleging that the article had been shipped in interstate commerce on or about September 26, 1938, from Benton Harbor, Mich., by Edward McDonald to himself at Bloomington, Ill.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Ed. Scheffler, R-2, Coloma, Mich."

Adulteration was alleged in that the article contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 12, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30317. Adulteration of flour. U. S. v. 60 Bags of Flour (and 2 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 43363, 43364, 43379. Sample Nos. 37641-D, 37642-D, 37643-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages, at the time of examination, was found to be insect-infested.

On or about September 1, 1938, the United States attorney for the Southern District of Mississippi, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 470 bags of flour at Gulfport, Miss.; alleging that the article had been shipped by the Pfeffer Milling Co. from Lebanon, Ill., within the period from on or about July 2, 1937, to on or about March 30, 1938; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted wholly or in part of a filthy vegetable substance.

On February 23, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30318. Adulteration and misbranding of honey cone, sweet cone, and honey dish. U. S. v. 14 Boxes of Honey Cone, 16 Boxes of Sweet Honey Dish (and 1 similar seizure action). Default decrees of condemnation and destruction. (F. & D. Nos. 42296, 42321. Sample Nos. 10807-D, 10808-D, 12099-D, 12100-D.)

The products labeled "Honey Cone" and "Honey Dish" were found to contain little, or no, honey—saccharin and sugar having been substituted for honey as sweetening agents. In the product labeled "Sweet Cone" saccharin had been substituted in part for sugar.

On May 3 and May 9, 1938, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 14 boxes of sweet honey cones and 16 boxes of sweet honey dishes at Newark, N. J., and 896 cases of sweet cones at Atlantic City, N. J.; alleging that the articles had been shipped in interstate commerce within the period from on or about March 1 to on or about April 6, 1938, by United States Baking Co. from Brooklyn, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration was alleged in that saccharin and sugar in place of honey had been substituted in whole or in part for honey cones and honey dishes, and in that saccharin and sugar in place of sugar had been substituted in whole or in part for sweet cones. Adulteration was alleged further in that the articles contained an added deleterious ingredient, saccharin, which might have rendered them injurious to health. Adulteration was alleged with respect to portions of the articles in that saccharin had been mixed and packed with them so as to reduce or lower or injuriously affect their quality.

They were alleged to be misbranded in that the statements on the labels, "Honey Cone," "Honey Dish," "Sweet Honey Cone," and "Sweet Crisp Cup Cone," were false and misleading and tended to deceive and mislead the purchaser when applied to articles which contained saccharin in all lots and contained little, or no, honey in the case of the honey cone and honey dish.

On February 1, 1939, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30319. Misbranding of cottonseed meal and cottonseed screenings. U. S. v. Temple Cotton Oil Co. Plea of guilty. Fine, \$100. (F. & D. No. 42509. Sample Nos. 4141-D, 4146-D.)

These products contained smaller percentages of protein and larger percentages of crude fiber than those declared on the label.

On May 26, 1938, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Temple Cotton Oil Co., a corporation, Little Rock, Ark., alleging shipment by said company on or about October 7 and October 8, 1937, from the State of Arkansas into the State of Kansas, of quantities of cottonseed meal and cottonseed screenings which were misbranded. The screenings were labeled in part: (Tag) "Quapaw Brand * * * Protein 41.00% * * * Fibre, not more than 12.00% * * * Manufactured by Temple Cotton Oil Company." The meal was labeled in part: (Tag) "Protein 41% * * * Crude Fibre, not more than 14% * * * Choctaw Sales Company * * * Kansas City, Missouri."

Misbranding was alleged in that the tags bore statements which were false and misleading, since they represented that the articles contained 41 percent of protein, that the screenings contained not more than 12 percent of fiber, and that the meal contained not more than 14 percent of fiber; whereas both articles contained less than 41 percent of protein, the former contained more than 12 percent of fiber, and the latter contained more than 14 percent of fiber.

On February 6, 1939, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$100.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30320. Adulteration of dried apricots. U. S. v. Consolidated Packing Co. Plea of guilty. Fine, \$100. (F. & D. No. 42609. Sample No. 17955-D.)

This product contained an excessive number of pieces of fruit showing mold and decay, also insect infestation and filth.

On December 22, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Consolidated Packing Co., a corporation, San Francisco, Calif., alleging shipment by said defendant in vio-

lation of the Food and Drugs Act on or about May 23, 1938, from the State of California into the State of Maryland of a quantity of dried apricots that were adulterated. The article was labeled in part: "California Apricots for Manufacturing Purposes."

It was alleged to be adulterated in that it consisted in part of a filthy and decomposed vegetable substance.

On January 7, 1939, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30321. Adulteration and misbranding of dried peaches. U. S. v. 19 Cases of Dried Peaches. Consent decree of condemnation and destruction. F. & D. No. 44902. Sample No. 36793-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages, at the time of examination, was found to be insect-infested. It also contained undeclared sulfur dioxide.

On February 24, 1939, the United States attorney for the District of Hawaii, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 cases of dried peaches at Honolulu, T. H.; alleging that the article had been shipped on or about February 14, 1939, by American Factors, Ltd., from San Francisco, Calif.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Suni-Bel Brand Choice Peaches Packed by San Filippo Bros., Inc., San Jose, Calif."

Adulteration was alleged in that the article was infested with insects and contained undeclared sulfur dioxide.

It was alleged to be misbranded in that it was labeled so as to deceive and mislead the purchaser since the label failed to declare the presence of sulfur dioxide and gave the impression that it consisted of pure standard dried peaches.

On February 25, 1939, the shipper having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30322. Adulteration of frozen whole eggs. U. S. v. 155 Cans of Frozen Whole Eggs. Default decree of condemnation and destruction. (F. & D. Nos. 44850, 44851. Sample Nos. 20377-D, 20378-D, 20379-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages, at the time of examination, was found to be in part decomposed.

On February 15, 1939, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 155 cans of frozen whole eggs at Los Angeles, Calif.; alleging that the article had been shipped on or about November 16, 1938, by the Market Produce Co. from Shreveport, La.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted wholly or in part of a decomposed animal substance.

On March 9, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30323. Adulteration of frozen fish. U. S. v. 86 Boxes of Ocean Perch and 195 Cases of Whiting. Default decrees of condemnation and destruction. (F. & D. Nos. 44714, 44829. Sample Nos. 31126-D, 31131-D, 34824-D.)

These products had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination, a portion of the samples were found to show decomposition, and others, infestation with parasitic worms.

On January 23 and February 11, 1939, the United States attorneys for the Districts of Maryland and of Colorado, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 86 boxes of ocean perch at Baltimore, Md., and 195 cases of whiting at Denver, Colo., consigned by Gorton-Pew Fisheries Co.; alleging that the articles had been shipped in part on or about September 26, 1938, and in part on or about January 16, 1939, from Gloucester, Mass.; and

charging adulteration in violation of the Food and Drugs Act. The articles were labeled in part: "Clipper Brand Ocean Perch" or "H & G Whiting."

They were alleged to be adulterated in that they consisted in whole or in part of filthy or decomposed animal substances.

On February 23 and 25, 1939, no claim having been entered, judgments of condemnation were entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30324. Adulteration of almonds in shell. U. S. v. 52 Bags of Almonds. Decree of condemnation. Product released under bond conditioned that unfit portion be destroyed. (F. & D. No. 44809. Sample No. 43621-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages, at the time of examination, was found to be moldy and insect-infested.

On February 10, 1939, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 52 bags of almonds at Sacramento, Calif.; alleging that the article had been shipped on or about January 20, 1939, by Pacific Fruit & Produce Co. from Portland, Oreg.; and charging adulteration in violation of the Food and Drugs Act. This shipment consisted of goods returned to the original shipper. It was labeled in part: "Anchorage Farm Brand Almonds IXL * * * Packed by Anchorage Trading Company Orland, California."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy and decomposed vegetable substance.

On February 24, 1939, Anchorage Trading Co., having appeared as claimant and owner, judgment of condemnation was entered and the product was ordered released under bond conditioned that the decomposed portion be segregated and destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30325. Misbranding of canned peas. U. S. v. 50 Cases of Peas. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 44267. Sample No. 37874-D.)

This product was substandard because the peas were not immature, and it was not labeled to indicate that it was substandard.

On or about November 2, 1938, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cases of canned peas at Galveston, Tex.; alleging that the article had been shipped in interstate commerce on or about September 1, 1938, by the H. J. McGrath Co. from Baltimore, Md.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "McGrath's Early June Peas * * * Champion Brand."

It was alleged to be misbranded in that it fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the peas were not immature, and its package or label did not bear a plain and conspicuous statement prescribed by regulations of this Department indicating that it fell below such standard.

On January 10, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered sold. On February 17, 1939, an amended decree was entered as of January 10, 1939, ordering that the purchaser relabel the goods before sale, such relabeling to be supervised by this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30326. Adulteration of flour. U. S. v. 75 Bags and 72 Bags of Flour (and 1 other seizure action against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 44026, 44027, 44350 to 44353, inclusive. Sample Nos. 37843-D, 37844-D, 37908-D, 37910-D, 37911-D, 50024-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages, at the time of examination, was found to be insect-infested.

On or about September 30 and November 17, 1938, the United States attorney for the Western District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 147 bags of flour at De Ridder, La., 411 bags at Crowley, La., and 199 bags

at Jennings, La.; alleging that the article had been shipped within the period from on or about May 2, 1938, to on or about October 21, 1938; and charging adulteration in violation of the Food and Drugs Act.

The article had been consigned in part by the International Milling Co. from Greenville, Tex., in part by Houston Milling Co. from Houston, Tex., and in part by General Mills, Inc., from Wichita Falls, Tex. It was labeled in part, variously: "Robin Hood [or "Pretty Maid"] Flour Milled by International Milling Co."; "Sunbonnet Sue Flour Bleached * * * Perry Mill & Elevator Company"; "Purasnow * * * Flour Wichita Mill & Elevator Company"; "American Maid * * * Flour Houston Milling Co."; "Gypsy Bleached Flour."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On February 2, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30327. Adulteration of buckwheat flour. U. S. v. 5 Bags and 15 Bags of Buckwheat Flour. Default decree of condemnation and destruction. (F. & D. Nos. 44793, 44794. Sample Nos. 46171-D, 46172-D.)

This product contained atropine alkaloids, the source of which was probably jimsonweed seeds or similar weed seeds in the buckwheat.

On February 8, 1939, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 bags of buckwheat flour at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about January 2 and 21, 1939, by Loughry Bros. Milling & Grain Co. from Monticello, Ind.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Monticello Mills Pure Buckwheat Flour."

It was alleged to be adulterated in that it contained atropine alkaloids, an added deleterious ingredient, which might have rendered it injurious to health.

On March 10, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30328. Adulteration of flour. U. S. v. 85 Bags, 96 Bags, and 96 Bags of Flour. Default decree of condemnation and destruction. (F. & D. Nos. 44132, 44133, 44134. Sample Nos. 37852-D, 37853-D, 37857-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages, at the time of examination, was found to be insect-infested.

On October 12, 1938, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 277 bags of flour at Lake Charles, La., consigned in part by Kimbell-Diamond Milling Co. from Sherman, Tex., and in part by Houston Milling Co. from Houston, Tex.; alleging that the article had been shipped within the period from July 22, 1938, to on or about August 15, 1938; and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part, "Diamond Merit."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On February 2, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30329. Adulteration of butter. U. S. v. 12 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 44554. Sample Nos. 19759-D, 44591-D.)

This product contained less than 80 percent of milk fat.

On December 5, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 tubs of butter at Newark, N. J.; alleging that the article had been shipped in interstate commerce on or about November 21, 1938, by Land O'Lakes Creamery, Inc., from Minneapolis, Minn.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by act of March 4, 1923.

On February 16, 1939, Land O'Lakes Creamery, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it contain not less than 80 percent of milk fat.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30330. Adulteration of butter. U. S. v. 17 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 45096. Sample No. 54141-D.)

This product contained less than 80 percent of milk fat.

On February 17, 1939, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 17 tubs of butter at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about January 30, 1939, by Bridgewater Creamery Co. from Bridgewater, S. Dak.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by act of March 4, 1923.

On February 21, 1939, Hansen & Matson Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked to comply with the law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30331. Adulteration and misbranding of concentrated essence of raspberry. U. S. v. 3 Gallon Bottles of Essence Raspberry. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 43170. Sample No. 33222-D.)

This product was labeled to indicate that it was concentrated essence of raspberry; whereas it contained beta-ionone, a synthetic chemical flavor not found in raspberries.

On August 4, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 3 gallon bottles of concentrated essence of raspberry at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about June 15, 1938, by Fritzsche Bros., Inc., from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a substance which contained beta-ionone, a synthetic chemical flavor, had been substituted wholly or in part for the article. It was alleged to be adulterated further in that it had been mixed in a manner whereby inferiority was concealed.

It was alleged to be misbranded in that the statement on the label, "Essence Raspberry Aroma Extra Concentrated True Fruit," was false and misleading and tended to deceive and mislead the purchaser when applied to an article which contained beta-ionone, a synthetic chemical flavor; and in that it was an imitation of and was offered for sale under the distinctive name of another article.

On February 15, 1939, Fritzsche Bros., Inc., claimant, having admitted the allegations of the libel, a finding was made by the court that the product was adulterated, but that such adulteration was in the raw material and was not known to the claimant. Judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled "Imitation Essence Raspberry Aroma," under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30332. Adulteration of butter. U. S. v. 57 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 44998. Sample No. 54137-D.)

This product contained less than 80 percent of milk fat.

On February 16, 1939, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 57 tubs of butter at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about February 5, 1939, by Marion County Cooperative Creamery from Hutchinson, Kans.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by act of March 4, 1923.

On February 21, 1939, C. H. Weaver & Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked to comply with the law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30333. Adulteration of butter. U. S. v. Seven Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 44999. Sample No. 54140-D.)

This product contained less than 80 percent of milk fat.

On February 21, 1939, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of seven tubs of butter at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about February 7, 1939, by Modena Cooperative Creamery Co. from Modena, Wis.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by act of March 4, 1923.

On March 7, 1939, Modena Cooperative Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked to comply with the law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30334. Adulteration of flour. U. S. v. 359 Bags of Flour. Default decree of condemnation and destruction. (F. & D. No. 43681. Sample No. 37661-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages, at the time of examination, was found to be insect-infested.

On September 24, 1938, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 359 bags of flour at Bay St. Louis, Miss.; alleging that the article had been shipped on or about August 18, 1938, by Canadian Mill & Elevator Co. from El Reno, Okla.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Canadian Seal."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On February 23, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30335. Adulteration of flour. U. S. v. 1,169 Bags and 1,235 Bags of Flour. Consent decree of condemnation. Product released under bond to be denatured for use as stock feed. (F. & D. Nos. 44043, 44044. Sample Nos. 49749-D, 49752-D, 49763-D, 49764-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages, at the time of examination, was found to be insect-infested.

On October 28, 1938, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 2,344 bags of flour at Greenwood, Miss.; alleging that the article had been shipped on or about August 11, 1938, by Hays City Flour Mills from Hays, Kans.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Prize Winner Self-Rising Flour."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On December 16, 1938, the Goyer Co., Greenwood, Miss., having appeared as claimant, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be denatured for use as stock feed under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30336. Adulteration of apple butter. U. S. v. 27 Tubs of Apple Butter. Default decree of condemnation and destruction. (F. & D. No. 43032. Sample No. 13230-D.)

Samples taken from this product were found to contain lead, worm fragments, mites, and rodent hairs.

On July 12, 1938, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 tubs of apple butter at Syracuse, N. Y.; alleging that the article had been shipped in interstate commerce on or about May 13, 1938, by the Empire Provision Co. from Aspers, Pa.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Adams Apple Brand Apple Butter * * * Adams Apple Products Corporation Aspers * * * Pennsylvania."

It was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, lead, which might have rendered it injurious to health. It was alleged to be adulterated further in that it consisted in whole or in part of a filthy vegetable substance.

On February 15, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30337. Adulteration of frozen fish. U. S. v. 114 Boxes of Whiting. Default decree of condemnation and destruction. (F. & D. No. 45006. Sample Nos. 36966-D, 36968-D.)

This product, which had been shipped in interstate commerce and remained unsold at the time of examination, was found to be in part decomposed.

On or about March 13, 1939, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 114 boxes of butterfly whiting at Kansas City, Mo.; alleging that the article had been shipped by Kroger Grocery & Baking Co. from Cleveland, Ohio; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On March 14, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30338. Adulteration of butter. U. S. v. 43 Tubs of Butter. Default decree of condemnation and destruction. (F. & D. No. 44782. Sample Nos. 54104-D, 54108-D.)

This product contained less than 80 percent of milk fat.

On December 28, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 43 tubs of butter at Chicago, Ill.; alleging that the product had been shipped in interstate commerce on or about September 24, 1938, by Farmers Union Cooperative Creamery Co. from Superior, Nebr.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by act of March 4, 1923.

On February 23, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30339. Adulteration and misbranding of cherry cider. U. S. v. 76 Gallon Jugs of Cherry Cider (and 1 other seizure action against the same product). Consent decrees of condemnation. Product released under bond to be relabeled. (F. & D. Nos. 44541, 44725. Sample Nos. 37332-D, 37352-D.)

This product was represented to be pure cherry cider, whereas it contained added water. One portion also failed to bear a statement of the quantity of contents.

On December 20, 1938, and February 1, 1939, the United States attorney for the District of Nebraska, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 76 gallon jugs, 145 quart bottles, and 45 half-gallon jugs of cherry cider at Paxton, Nebr.; alleging that the article had been shipped in interstate commerce from Denver, Colo., within the period from on or about October 12 to on or about October 26, 1938, in part in the name of New Process Cider Co., and in part in the name of Marvin's New Process Cider Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Marvin's * * * Cherry Cider Pressed From Cherries."

It was alleged to be adulterated in that water had been mixed and packed with it so as to reduce or lower its quality or strength, and had been substituted wholly or in part for the article. It was alleged to be adulterated further in that it had been mixed in a manner whereby inferiority was concealed.

The article was alleged to be misbranded in that the statement on the label, "Cherry Cider pressed from Cherries," was false and misleading and tended to deceive and mislead the purchaser when applied to cherry juice adulterated with water. The portion of the product in quart bottles was alleged to be misbranded further in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since no quantity was stated.

On March 13, 1939, Edward W. Marvin, of Keith County, Nebr., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30340. Adulteration of frozen fish fillets. U. S. v. 60 Cases, 6 Cases, and 125 Cases of Frozen Perch Fillets (and 2 other seizure actions). Consent decrees of condemnation and destruction. (F. & D. Nos. 44575, 44576, 44577, 44598, 44700, 44701. Sample Nos. 27452-D, 30980-D, 30981-D, 30983-D, 30984-D, 30987-D, 41111-D, 41114-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages, at the time of examination, was found to be in part decomposed. A portion was also found to contain cysts of parasitic worms.

On December 27 and 29, 1938, and January 20, 1939, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 684 cases of frozen fish fillets at Denver, Colo., consigned by General Seafood Corporation; alleging that the article had been shipped within the period from on or about August 25 to on or about November 15, 1938, in part from Boston, Mass., and in part from Chicago, Ill.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled variously in part: "Ocean Perch Fillets Cold Seal"; "Seafresh Ocean Perch Fillets"; "Cold Seal Fillets Whiting"; "Quick Frozen Fillets of Haddock."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On February 27, 1939, the shipper, General Seafoods Corporation, Boston, Mass., having signed an authorization for taking of final decrees, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30341. Adulteration of butter. U. S. v. 17 Cubes of Butter. Consent decree of condemnation. Product released under bond. (F. & D. No. 44852. Sample No. 20166-D.)

This product contained less than 80 percent of milk fat.

On February 6, 1939, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in

the district court a libel praying seizure and condemnation of 17 cubes of butter at Los Angeles, Calif.; alleging that the article had been shipped in interstate commerce on or about January 8, 1939, by Carthage Creamery Co. from Carthage, Mo.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by act of March 4, 1923.

On February 21, 1939, Carthage Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be brought up to the legal standard under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30342. Misbranding of canned peas. U. S. v. 162 Cases of Peas. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 44810. Sample No. 54601-D.)

This product was substandard because the peas were not immature, and it was not labeled to indicate that it was substandard.

On February 8, 1939, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 162 cases of canned peas at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about July 23, 1938, by Krier Preserving Co. from Belgium, Wis.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Charleston Brand Wisconsin Peas * * * Early Variety."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the peas were not immature, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On March 9, 1939, Wurm Bros. Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled in compliance with the law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30343. Adulteration of strawberry jam. U. S. v. 50 Cases of Strawberry Jam. Default decree of condemnation and destruction. (F. & D. No. 44723. Sample Nos. 50554-D, 50558-D.)

This product contained excessive mold.

On January 24, 1939, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cases of canned strawberry jam at Spokane, Wash.; alleging that the article had been shipped in interstate commerce on or about December 21, 1938, by Kerr Conserving Co. from Portland, Oreg.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Kerr's Pure Jam Strawberry."

It was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On March 6, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30344. Adulteration of flour. U. S. v. 202 Bags of Flour. Default decree of condemnation and destruction. (F. & D. No. 44156. Sample No. 37858-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages, at the time of examination, was found to be insect-infested.

On October 13, 1938, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 202 bags of flour at Lake Charles, La., consigned by the Russell-Miller Milling Co.; alleging that the article had been shipped on or about August 23, 1938, from Minne-

apolis Minn.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Producer * * * Flour."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On February 2, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30345. Adulteration of fish fillets. U. S. v. 527 Boxes of Ocean Perch Cello Freshly Chilled Fillets. Default decree of condemnation and destruction. (F. & D. No. 44923. Sample Nos. 34383-D, 34385-D, 34386-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages, at the time of examination, was found to be in part decomposed and to contain parasitic worms.

On February 28, 1939, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 527 boxes of fish fillets at Washington, D. C.; alleging that the article had been shipped on or about January 7, 1939, by Forty Fathom Co. from Boston, Mass.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Ocean Perch Cello Freshly Chilled Fillets."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed animal substance.

On March 21, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30346. Adulteration of flour. U. S. v. 144 Bags of Flour (and 1 other seizure action against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 44128, 44129, 44130, 44326, 44327. Sample Nos. 37854-D, 37855-D, 37856-D, 37906-D, 37907-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages, at the time of examination, was found to be insect-infested.

On or about October 12 and November 14, 1938, the United States attorney for the Western District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 144 bags of flour at Lake Charles, La., and 74 bags of flour at Eunice, La., consigned by Universal Mills; alleging that the article had been shipped within the period from on or about June 15, 1938, to on or about September 19, 1938, from Fort Worth, Tex.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "G & R Bakers [or "Gate of the West" or "Worth More"] Flour."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On January 6 and February 2, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30347. Adulteration of candy. U. S. v. 16 Boxes of Candy. Default decree of condemnation and destruction. (F. & D. No. 44245. Sample No. 41709-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages, at the time of examination, was found to be insect-infested.

On October 27, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 boxes of candy at Philadelphia, Pa.; alleging that the article had been shipped on or about August 25 and on or about September 8, 1938, by the Metro Chocolate Co. from Brooklyn, N. Y.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On January 3, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30348. Adulteration of shrimp. U. S. v. 46 Boxes of Shrimp. Default decree of condemnation and destruction. (F. & D. No. 45084. Sample No. 20622-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages, at the time of examination, was found to be in part decomposed.

On February 10, 1939, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 46 boxes of shrimp at Wilmington, Calif.; alleging that the article had been shipped on or about February 8, 1939, by Victor B. Estrella from Nogales, Ariz.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On March 7, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30349. Adulteration of candy. U. S. v. 14 Cartons of Brazil Nuts in Caramel. Default decree of condemnation and destruction. (F. & D. No. 43420. Sample No. 38027-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages, at the time of examination, was found to be insect-infested.

On or about September 2, 1938, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 cartons of Brazil nuts in caramel at Biloxi, Miss.; alleging that the article had been shipped on or about December 30, 1937, by the Heidelberger Confectionery Co. from Philadelphia, Pa.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted wholly or in part of a filthy vegetable substance.

On February 23, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30350. Adulteration of flour. U. S. v. 94 Sacks of Flour. Decree of condemnation. Product released under bond. (F. & D. No. 44481. Sample No. 36113-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages, at the time of examination, was found to be insect-infested.

On December 8, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 94 sacks of flour at Stockton, Calif.; alleging that the article had been shipped on or about June 24 and July 2, 1938, by Centennial Flour Mills from Portland, Oreg.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Centennial Bluestem Bakers Flour."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On January 6, 1939, Centennial Flouring Mills Co., Seattle, Wash., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it should not be disposed of in violation of the law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30351. Adulteration of apples. U. S. v. Louis Feinstein. Plea of guilty. Fine, \$200. (F. & D. No. 32159. Sample Nos. 24585-A, 24586-A.)

This product had been in large part damaged by freezing, one shipment showing approximately 40 percent and the other approximately 20 percent of such injury.

On December 18, 1934, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Louis Feinstein, alleging shipment by said defendant on or about November 30 and December 8, 1932, from Paris, Maine, into the State of Illinois, of quantities of apples which were adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole and in part of a filthy, decomposed, and putrid vegetable substance.

On October 28, 1938, the defendant entered a plea of guilty and the court imposed a fine of \$200.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30352. Misbranding of malt feed. U. S. v. 380 Sacks of Fruen's Malt Feed. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 44621. Sample No. 4662-D.)

This product contained less protein, less fat, and more fiber than was stated in the labeling.

On January 7, 1939, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 380 sacks of malt feed at Boscobel, Wis.; alleging that the article had been shipped in interstate commerce on or about November 15, 1938, by Fruen Milling Co. from Minneapolis, Minn.; and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the following statements on the tag, "Guaranteed Analysis Protein, more than 14.00% Fat, more than 2.00% Fiber, less than 17.00%," were false and misleading and tended to deceive and mislead the purchaser when applied to an article which contained less protein and fat and more fiber than was stated in the labeling, namely, 9.70 percent protein, 1.07 percent fat, and 26.78 percent fiber.

On February 21, 1939, Fruen Milling Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled to comply with the law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30353. Adulteration of flour. U. S. v. 170 Sacks and 28 Bags of Flour. Default decrees of condemnation and destruction. (F. & D. Nos. 44565, 44566. Sample Nos. 50215-D, 50216-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages, at the time of examination, was found to be insect-infested.

On December 27, 1938, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 198 sacks of flour at Meridian, Miss.; alleging that the article had been shipped within the period from June 22 to July 16, 1938, by Freeburg Milling Co. from Freeburg, Ill.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Red Band Seal of Quality."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On March 21, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30354. Adulteration of candy. U. S. v. 5 Boxes and 23 Boxes of Candy. Default decree of condemnation and destruction. (F. & D. Nos. 43294, 43295. Sample Nos. 27673-D, 27674-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages, at the time of examination, was found to be insect-infested.

On August 25, 1938, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 28 boxes of candy at Springfield, Ill.; alleging that 5 boxes of the article had been shipped on or about February 23, 1938, by Sperry Candy Co. from Milwaukee, Wis., and that 23 boxes had been shipped on or about September 27, 1937, by Chase Candy Co. from St. Joseph, Mo.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On March 10, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30355. Misbranding of canned tomatoes. U. S. v. 35 Cases of Canned Tomatoes. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. & D. No. 44470. Sample No. 3883-D.)

This product was substandard because the fruit was not normally colored, and it was not labeled to indicate that it was substandard.

On December 5, 1938, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 35 cases of canned tomatoes at Greggton, Tex.; alleging that the article had been shipped in interstate commerce on or about October 15, 1938, by Putman Canning Co. from Avoca, Ark.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Putman Brand Hand Packed Tomatoes."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, since it was not normally colored, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On February 13, 1939, no claimant having appeared, judgment of condemnation was entered, and the product was ordered delivered to a charitable institution for a nominal sum.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30356. Misbranding of oil. U. S. v. 21 Gallon Cans of Oil. Default decree of condemnation. Product delivered to charitable institutions. (F. & D. No. 44673. Sample No. 35374-D.)

This product was labeled to indicate that it was imported olive oil, whereas it consisted of an artificially flavored mixture of corn and cottonseed oils containing little or no olive oil. It also was short of the declared volume.

On January 12, 1939, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 gallon cans of oil at Providence, R. I.; alleging that the article had been shipped in interstate commerce on or about December 22, 1938, by F. Lupo from New York, N. Y.; and charging misbranding in violation of the Food and Drugs Act.

Misbranding was alleged in that the following statements and design appearing in the labeling were false and misleading and tended to deceive and mislead the purchaser when applied to a mixture of corn and cottonseed oils which was not a foreign product and which was short volume: "Net Contents One Gallon * * * Pure Olive Oil Napoli Canta * * * Lucca-Italy * * * Prodotto Garantito Puro Olio D'Oliiva * * * Lucca-Italia [design of a foreign scene, presumably representing the Bay of Naples] * * * Imported Pure Olive Oil." The article was alleged to be misbranded further in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement made was incorrect.

On February 28, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to public or charitable institutions after its removal from the original cans.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30357. Adulteration of walnut meats. U. S. v. 27 Cases, et al., of Walnut Meats. Default decree of condemnation and destruction. (F. & D. Nos. 44876 to 44879, inclusive. Sample No. 41597-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be worm-damaged.

On February 21, 1939, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29 cases, 99 pound, and 479 half-pound packages of walnut meats at Ogden, Utah; alleging that the article had been shipped on or about December 6, 1938, by Max Clarke from Los Angeles, Calif.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On March 27, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30358. Adulteration of fish roe. U. S. v. 174 Pounds of Whitefish Roe. Default decree of condemnation and destruction. (F. & D. No. 44958. Sample No. 26599-D.)

This product was wormy, and contained fish scales and nondescript tissue fragments.

On March 6, 1939, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 174 pounds of whitefish roe at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about February 15, 1939, by the Rawley Fish Co. from Two Rivers, Wis.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On March 24, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30359. Adulteration of smoked bluefins. U. S. v. Fifty 5-Pound and Ten 10-Pound Baskets of Smoked Bluefins. Consent decree of condemnation and destruction. (F. & D. No. 45029. Sample No. 90-D.)

This product contained undeclared added color and was in part decomposed.

On March 15, 1939, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 60 baskets of smoked bluefins at Denver, Colo., consigned by Southwestern Smoked Fish Co.; alleging that the article had been shipped in interstate commerce on or about March 4, 1939, from Chicago, Ill.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was colored in a manner whereby inferiority was concealed; and in that it consisted wholly or in part of a decomposed animal substance.

On March 27, 1939, the shipper having signed authorization for the taking of final decree, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30360. Adulteration of salted fish roe. U. S. v. 1 Tub of Salted Fish Roe. Default decree of condemnation and destruction. (F. & D. No. 44632. Sample No. 59267-D.)

This product contained parasitic worms.

On January 9, 1939, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one tub of salted fish roe at New York, N. Y.; alleging that the article had been shipped on or about December 20, 1938, by Clarence Schepper from Two Rivers, Wis.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On January 26, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30361. Adulteration of crab meat. U. S. v. 2 Barrels of Crab Meat. Default decree of condemnation and destruction. (F. & D. No. 43069. Sample No. 34034-D.)

This product contained evidence of the presence of filth.

On July 8, 1938, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two barrels of crab meat at Dover, Del.; alleging that the article had been shipped on or about July 6, 1938, from Chester, Md.; and charging adulteration in violation of the Food and Drugs Act. The product was delivered for shipment in interstate commerce by J. C. Jones, of Chester, Md.

The article was alleged to be adulterated in that it consisted of a filthy animal substance.

On September 6, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30362. Adulteration of crab meat. U. S. v. 2 Barrels of Crab Meat. Default decree of condemnation and destruction. (F. & D. No. 43070. Sample No. 34133-D.)

This product contained evidence of the presence of filth.

On July 8, 1938, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two barrels of crab meat at Wilmington, Del., consigned by A. B. Harris; alleging that the article had been shipped in interstate commerce on or about July 6, 1938, from Oxford, Md.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a filthy animal substance.

On September 6, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30363. Adulteration of crab meat. U. S. v. 165 Pounds of Crab Meat. Default decree of condemnation and destruction. (F. & D. No. 43048. Sample No. 34129-D.)

This product contained evidence of the presence of filth.

On July 1, 1938, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 165 pounds of crab meat at Wilmington, Del., consigned by Coulbourne & Jewett; alleging that the article had been shipped in interstate commerce on or about June 29, 1938, from St. Michaels, Md.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a filthy animal substance.

On September 6, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30364. Adulteration of dried apricots. U. S. v. Winchester Dried Fruit Co. Plea of nolo contendere. Fine, \$50. (F. & D. No. 42514. Sample Nos. 2708-D, 3102-D.)

This product was in large part moldy, decayed, dirty, and insect-infested.

On May 25, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Winchester Dried Fruit Co., a corporation, San Jose, Calif., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about January 12, 1938, from the State of California into the State of New York, of a quantity of dried apricots which were adulterated. The article was labeled in part: "California Apricots for Manufacturing Purposes Only."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On February 18, 1939, a plea of nolo contendere was entered on behalf of the defendant, and the court imposed a fine of \$50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30365. Adulteration of prunes. U. S. v. Winchester Dried Fruit Co. Plea of nolo contendere. Fine, \$50. (F. & D. No. 40792. Sample No. 48126-C.)

This product was in large part filthy and decomposed.

On April 15, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Winchester Dried Fruit Co., a corporation, San Jose, Calif., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about April 13, 1937, from the State of California into the State of Maryland of a quantity of prunes that were adulterated.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On February 18, 1939, a plea of nolo contendere was entered on behalf of the defendant, and the court imposed a fine of \$50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30366. Adulteration and misbranding of blackberry preserve. U. S. v. 12 Cases of Assorted Preserves. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. & D. No. 44913. Sample No. 42344-D.)

The blackberry preserve in these assorted preserves consisted in part of apple and raspberry.

On February 27, 1939, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 cases of assorted preserves, each case containing a number of jars of blackberry preserve, at Pottstown, Pa.; alleging that the article had been shipped in interstate commerce on or about January 12, 1939, by Fresh Grown Preserve Corporation from Brooklyn, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The blackberry variety was labeled in part: "Top Notch Brand Pure Blackberry Preserve * * * Sun Distributing Co. Inc. Distributors."

The blackberry preserve was alleged to be adulterated in that apple and raspberry had been substituted wholly or in part for blackberry preserve, which the article purported to be.

Misbranding was alleged in that the statement on the label, "Pure Blackberry Preserve," was false and misleading and tended to deceive and mislead the purchaser when applied to an article which contained large amounts of apple and raspberry fruit tissues; and in that it was an imitation of and was offered for sale under the distinctive name of another article, "Pure Blackberry Preserve."

On March 24, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution after removal of the labels.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30367. Misbranding of cottonseed meal. U. S. v. Swift & Co. Plea of guilty. Fine, \$50. (F. & D. No. 42659. Sample No. 4153-D.)

This product contained less protein than declared on the tag.

On February 1, 1939, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Swift & Co., a corporation trading at Little Rock, Ark.; alleging shipment by said defendant in violation of the Food and Drugs Act on or about June 25, 1938, from the State of Arkansas into the State of Kansas of a quantity of cottonseed meal which was misbranded. The article was labeled in part: (Tag) "Cotton Bloom Cottonseed Meal * * * Protein (min.) 43.00%."

It was alleged to be misbranded in that the statement on the tag, "Protein (min.) 43.00%," was false and misleading and was borne on the tag so as to deceive and mislead the purchaser, since it contained less protein than so represented, namely, not more than 40.81 percent of protein.

On March 21, 1939, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30368. Adulteration of frozen fish. U. S. v. 884 Boxes of Fish Fillets. Default decree of condemnation and destruction. (F. & D. No. 44842. Sample No. 58742-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be in part decomposed.

On February 16, 1939, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 884 boxes of fish fillets at Xenia, Ohio.; alleging that the article had been shipped on or about February 4, 1939, by O'Donnell-Usen Fisheries [Corporation] from Boston, Mass.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On March 27, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30369. Adulteration of flour. U. S. v. 62 Bags of Flour. Consent decree of condemnation. Product released under bond. (F. & D. No. 44182. Sample No. 38172-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested and to contain rodent hairs.

On October 24, 1938, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 62 bags of flour at Montgomery, Ala.; alleging that the article had been shipped on or about August 27, 1938, by Russell-Miller Milling Co. from Minneapolis, Minn.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "White Spray Flour."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On February 20, 1939, Capital Grain & Feed Co., Montgomery, Ala., claimant, having admitted the material allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be rendered unfit for human consumption and manufactured into feed for livestock.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30370. Adulteration and misbranding of flour. U. S. v. 61 Bags of Flour (and 2 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 43590, 43601, 43602, 44049. Sample Nos. 37841-D, 38061-D, 38063-D, 38064-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested. One lot was bleached but was not labeled to show that it was bleached.

On or about September 8, October 1, and October 10, 1938, the United States attorney for the Western District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 427 bags of flour in various lots at Lafayette, Opelousas, and De Ridder, La., consigned in part by General Mills, Inc., in part from Oklahoma City, Okla., and in part from Wichita Falls, Tex.; alleging that the article had been shipped within the period from on or about March 23, 1938, to on or about August 24, 1938; and charging that the article was adulterated, and that a part was misbranded in violation of the Food and Drugs Act. The article was labeled in part variously: "Landmark Flour, Oklahoma City Mill and Elev. Co., Oklahoma City, Okla.," "Big Bird [or "Express"] Flour, Prudential Milling Co., Distributor, Minneapolis, Minn.," "Purasnow Flour * * * Wichita Mill & Elevator Co., Wichita Falls, Texas."

Adulteration was alleged in that the article consisted wholly or in part of a filthy vegetable substance. The Landmark brand was alleged to be adulterated further in that bleached flour had been substituted wholly or in part for the article.

The Landmark brand was alleged to be misbranded in that the statement "Flour," borne on the label, was false and misleading and tended to deceive and mislead the purchaser when applied to bleached flour.

On January 6 and February 2, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30371. Adulteration of flour. U. S. v. 148 Bags of Flour. Consent decree of condemnation. Product released under bond. (F. & D. No. 44185. Sample No. 38169-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On October 24, 1938, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 148 bags of flour at Montgomery, Ala.; alleging that the article had been shipped on or about September 2, 1938, by Wall-Rogalsky [Wall-Rogalsky Milling Co.] from McPherson, Kans.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "The Wall-Rogalsky Milling Co."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On February 20, 1939, Capital Grain & Feed Co., Montgomery, Ala., claimant, having admitted the material allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be manufactured into feed for livestock.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30372. Misbranding of oil. U. S. v. 17 Gallon Cans, et al., of Oil. Default decrees of condemnation. Product delivered to charitable institutions. (F. & D. No. 44672. Sample Nos. 35370-D to 35373-D, inclusive.)

This product was labeled to indicate that it was imported olive oil; whereas it consisted of artificially flavored mixtures of various edible oils including sesame oil, cottonseed oil, and corn oil which contained little or not olive oil. It also was short of the declared volume.

On January 13, 1939, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 86 gallon cans of oil at Providence, R. I.; alleging that the article had been shipped in interstate commerce within the period from on or about December 24 to on or about December 28, 1938, by the Fifteenth Avenue Tea Co. from Brooklyn, N. Y.; and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the following statements and designs appearing on the cans of the various brands were false and misleading and tended to deceive and mislead the purchaser when applied to mixtures of vegetable oils containing little or no olive oil which were not foreign products and which were short volume: (Riviera brand) "Net contents One Gallon * * * Pure Olive Oil Imported From Lucca Toscana Italy * * * Puro Olio D'Olive Importato Da Lucca Toscana Italia This Olive Oil is guaranteed to be absolutely pure under chemical analysis. Quest olio d'oliva e garantito assolutamente puro sotto analisi chimica. Dieses oliven oel ist garantiert absolut rein unter chemischer analyse. Cette Huile d'olives est garantie absolument pure sous analyse chimique. Este aceite de olivo esta garantizado absolutamente puro bajo analisis quimica [design of olive branches bearing olives] * * * Imported Pure Olive Oil"; (Puglia brand) "One Gallon Net * * * Superfine Pure Olive Oil Imported From Lucca-Italy * * * This olive oil is guaranteed to be absolutely pure under any chemical analysis * * * Quest' olio d'oliva e garantito assolutamente puro sotto qualsiasi analisi chimica [designs of olive branches bearing olives and of the escutcheon of Italy] Imported From Italy"; (La Bella brand) "La Bella * * * Pure Olive Oil Lucca Net Contents One Gallon Pure Olive Oil This Olive Oil is Guaranteed Absolutely Pure Under Chemical Analysis * * * Quest' olio d'oliva e garentito assolutamente puro da qualsiasi analisi chimica [designs of olive branches bearing olives and of the Eastern Hemisphere with the country of Italy prominently displayed] * * * Imported Pure Olive Oil"; (Assurro brand) "One Gallon Net Cielo Assurro * * * Fine Oil Extra Quality * * * E Un Composto Delizioso Lo Raccomandiamo Per Insalate Per Fritture Per Cucinare * * * Imported Pure Olive Oil." It was alleged to be misbranded further in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On February 28, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to public or charitable institutions after its removal from the original cans.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30373. Adulteration of tomato paste. U. S. v. 450 Cases of Tomato Paste (and 2 other seizure actions against the same product). Consent decree of condemnation. Product released under bond for salvaging of good portion. (F. & D. Nos. 44629, 44630, 44631. Sample No. 20358-D.)

A portion of this product was found to contain insect and worm fragments.

On January 7, 1939, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 675 cases of tomato paste at Rochester, N. Y.; alleging that the article had been shipped in interstate commerce on or about November 28, 1938, by the Uddo Taormina Corporation from Buena Park, Calif.; and charging adulteration in violation of the Food

and Drugs Act. The article was labeled in part: "Angelina * * * Tomato Paste * * * Packed for * * * Francesco Cappellino & Sons, Rochester, N. Y."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On February 20, 1939, the Uddo Taormina Corporation having appeared as claimant and the cases having been consolidated, judgment of condemnation was entered, and the product was ordered delivered to the claimant under bond conditioned that those codes only which were found to be compliance with the law be released.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30374. Adulteration and misbranding of olive oil. U. S. v. 40 Cans, et al., of Olive Oil. Default decrees of condemnation. Product ordered delivered to charitable institutions. (F. & D. Nos. 44656, 44696. Sample Nos. 48901-D to 48905-D, inclusive.)

This product was represented to be imported olive oil of Italian origin; whereas it consisted principally of corn oil which was artificially flavored, and a part of which was artificially colored and contained little or no olive oil. It was also short of the declared volume.

On January 9 and 20, 1939, the United States attorney for the District of Rhode Island, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 157 cans of olive oil at Providence, R. I.; alleging that the article had been shipped in interstate commerce within the period from on or about November 15 to on or about December 16, 1938, by J. Valentino from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was variously labeled in part: "Riviera Brand"; "Lucca"; "Italia Brand"; "Olio di Oliva Vergine"; "A. Sasso Brand."

It was alleged to be adulterated in that corn oil, artificially flavored and a part of which was artificially colored, had been mixed and packed with it so as to reduce or lower its quality or strength, and had been substituted in whole or in part for the article. It was alleged to be adulterated further in that it had been mixed and colored in a manner whereby inferiority was concealed.

The article was alleged to be misbranded in that the following statements and designs borne on the labels were false and misleading and tended to deceive and mislead the purchaser when applied to an article containing little or no olive oil, which was not a foreign product, and which was short volume: (Riviera brand) Design of olive branches and olives and the statements, "Net Contents One Gallon * * * Pure Olive Oil Imported From Lucca Toscana Italy * * * Puro Olio d' Oliva Importato da Lucca Toscana Italia," and This Olive Oil is guaranteed to be absolutely pure under chemical analysis [and similar statements in Italian, German, French, and Spanish]; (Lucca brand) design of olive branch and olives and the statements, "One Gallon Net * * * Pure Olive Oil Lucca Imported Product * * * Puro Olio d'Oliva Lucca Prodotto Importato," "This olive oil is guaranteed to be absolutely pure under any chemical analysis Recommended for table use and medicinal purposes," "Quest' Olio d'Oliva e garantito assolutamente puro sotto qualsiasi analisi chimica raccomandato per tavola e per uso medicinale," and "Imported Pure Olive Oil"; (Italia brand) design of olive branches and olives, and Italian flag and the statements, "Contents One Gallon Italia * * * Olive Oil Imported Lucca-Italia," "Olio d'Oliva * * * Importato Lucca-Italia," "The purity of this olive oil is guaranteed under chemical analysis and we recommend it for table and medicinal uses," and "La purezza di quest' olio e garantita all' analisi chimica noi lo raccomandiamo per uso tavola che per uso medicinale"; (Olio di Oliva Vergine) designs of olive branch and olives, and olive tree, and the statements, "Net Contents one Gallon Olio di Oliva-Vergine Lucca * * * Prodotto Italiano olio d'Oliva," "This Olive Oil is guaranteed pure Olio d'Oliva," "Questo Olio e garantito di puro oliva Olio d'Oliva," and "Imported Pure Olive Oil"; (A. Sasso brand) "One Gallon Superfine Olive Oil * * * Imported * * * Olio d'Oliva Sopraffino * * * Importato * * * Pure Olive Oil Imported * * * Olio Puro d'Oliva Raccomandato per uso medicinale * * * Puro Olio di Oliva [designs of olive branches and olives]."

It was alleged to be misbranded further in that it was an imitation of and was offered for sale under the distinctive name of another article, namely, olive

oil; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On February 23, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to charitable institutions after its removal from the original cans.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30375. Adulteration of walnut meats. U. S. v. 50 Cartons and 100 Cartons of Shelled Walnuts. Consent decree of condemnation. Product released under bond. (F. & D. Nos. 44887, 44888. Sample Nos. 39828-D, 39829-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On February 21, 1939, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 150 cartons of shelled walnuts at Seattle, Wash.; alleging that the article had been shipped on or about January 28, 1939, by Torn & Glasser from Los Angeles, Calif.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Shelled Walnuts Southern Heart"; or "California Shelled Walnuts."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On March 8, 1939, Torn & Glasser Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it should not be disposed of in violation of the law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

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¹ Prosecution contested.

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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

JUL 1 1939 ☆

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

30376-30400

[Approved by the Acting Secretary of Agriculture, Washington, D. C., May 8, 1939]

30376. Misbranding of gauze bandages. U. S. v. 18 Cartons of Gauze Bandage. Default decree of condemnation and destruction. (F. & D. No. 44251. Sample No. 40125-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be contaminated with viable micro-organisms.

On October 29, 1938, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 cartons of gauze bandages at Yelm, Wash.; alleging that the article had been shipped on or about September 12, 1938, by Kearny Wholesale Drug Co. from San Francisco, Calif.; and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the following statements on the labels were false and misleading when applied to an article which was contaminated with viable micro-organisms: (Carton label) "Pro-Tex," "Safe," "Sanitary," "Unconditionally guaranteed," "Apply Pro-Tex directly over wound if no sterile gauze is available"; and (circular) "Pro-Tex Adhesive Gauze Bandage is made by processing pure * * * sterilized gauge. Pro-Tex is sterilized in the process of manufacturing. It * * * permits air to circulate about the wound, thus nature is permitted to aid in the natural healing processes. Pro-Tex is extensively used by hospitals and every branch of the medical profession including physicians and surgeons, veterinarians * * * [picture of foot with bandage] Fig. 11 shows how Pro-Tex may be used for protecting heel blisters," "For home use * * * to protect * * * cuts and abrasions;" "Pro-Tex is guaranteed for one year from the date of purchase."

On February 25, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30377. Adulteration and misbranding of prophylactics. U. S. v. 7 Gross and 1,896 Prophylactics. Default decrees of condemnation and destruction. (F. & D. Nos. 44290, 44329, 44333, 44334. Sample Nos. 25063-D, 45013-D, 45016, 45018-D.)

Samples of these products were found to be defective in that they contained holes.

On November 12 and 18, 1938, the United States attorney for the Northern District of Florida, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 7 gross and 1,896 prophylactics in various lots at Tallahassee, Crestview, and Panama City, Fla.; alleging that the article had been shipped in interstate commerce on or about September 30 and October 19, 1938, by A. G. Vining from Atlanta, Ga.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part "Pro-Medico."

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold.

It was alleged to be misbranded in that the following statements in the labeling were false and misleading: (Cartons) "For Medical Purposes * * * Guaranteed Five Years * * * Triple Air Tested."

On March 6, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30378. Adulteration and misbranding of prophylactics. U. S. v. 50 Gross, 9 Gross, and 6 Gross of Prophylactics. Default decrees of condemnation and destruction. (F. & D. Nos. 44783, 44784, 44785. Sample Nos. 59535-D, 59536-D, 59537-D.)

Samples of this product were found to be defective in that they contained holes.

On February 7, 1939, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 65 gross of prophylactics at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about December 14 and 17, 1938, by Mayfair Chemical Corporation from West New York, N. J.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled variously: "Saf-T-Way"; "Silver-Town"; and "Pro-Tek."

It was alleged to be adulterated in that it was not fit for the purpose for which it was sold, namely, the prevention of disease, and its strength fell below the professed standard or quality under which it was sold.

The lot labeled "Saf-T-Way" was alleged to be misbranded in that the phrase "Saf-T-Way," borne on the label, was a false and misleading device since it represented that the article, which itself showed the purpose of its use, was a safety way for such purpose. The lot labeled "Pro-Tek" was alleged to be misbranded in that the phrase "Pro-Tek" on the label was a false and misleading device since it represented that the article, which itself showed the purpose of its use, would protect when used. The lot labeled "Silver-Town" was alleged to be misbranded in that the phrase "Silver-Town," borne on the label, was false and misleading since it had been used by the manufacturer of the product to denote an article used in the prevention of disease and when used in connection with this product represented that it was a preventive of disease; whereas it was not suitable for such purpose because it contained punctures or holes.

On March 4, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30379. Misbranding of prophylactics. U. S. v. 3 Gross of Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 44649. Sample No. 59543-D.)

Samples of this product were found to be defective in that they contained holes.

On January 10, 1939, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 3 gross of prophylactics at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about July 22, 1938, by the Olympia Laboratory from Atlanta, Ga.; and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the following statements in the labeling were false and misleading, (carton) "Selected Quality," (envelope) "Supreme Quality * * * The Within articles are made from the best material obtainable * * * For the Prevention of contagious diseases," (circular) "The merchandise which you will find in this package is made of the very best material," since it was not suitable for the prevention of disease because of the presence of perforations or punctures.

On January 26, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30380. Adulteration and misbranding of prophylactics. U. S. v. 5 Dozen Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 44959. Sample No. 60103-D.)

Samples of this product were found to be defective in that they contained holes.

On March 9, 1939, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 5 dozen prophylactics at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about July 25, 1938, by Akron Drug & Sundries Co. from Akron, Ohio; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold.

It was alleged to be misbranded in that the following statements in the labeling were false and misleading: (Envelope) "Crest Brand Goldbeaters are made from the choicest grade of materials obtainable * * * and represent the highest quality of Goldbeaters. * * * for the prevention of contagious diseases"; (circular) "For the prevention of disease."

On March 27, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30381. Adulteration and misbranding of prophylactics. U. S. v. 8 Gross of Rubber Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 44937. Sample No. 42965-D.)

Samples of this product were found to be defective in that they contained holes.

On March 2, 1939, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 8 gross of rubber prophylactics at Pittsburgh, Pa.; alleging that the article had been shipped in interstate commerce on or about January 26, 1939, by Universal Merchandise Co. (Gotham Sales Co., Inc.) from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold.

It was alleged to be misbranded in that the following statements in the labeling were false and misleading: "Air Tested * * * Saf-T-Way Prophylactics * * * Air Blown Tested."

On March 29, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30382. Adulteration and misbranding of prophylactics. U. S. v. 50 Gross of Rubber Prophylactics (and 3 other seizure actions against the same products). Default decrees of condemnation and destruction. (F. & D. Nos. 44221, 44567, 44622, 44765. Sample Nos. 19763-D, 19770-D, 35728-D, 35732-D, 45741-D, 59529-D, 59534-D.)

Samples of this product were found to be defective in that they contained holes.

On October 21 and December 21, 1938, and January 6 and February 3, 1939, the United States attorneys for the Districts of Massachusetts and Minnesota, Southern District of New York, and the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 50 gross of prophylactics at Boston, Mass.; 74 gross at Minneapolis, Minn.; 350 gross at New York, N. Y., and 11 gross of prophylactics at Chicago, Ill.; alleging that the article had been shipped in interstate commerce within the period from on or about October 8, 1938, to on or about January 5, 1939, by Killashun Sales Division from Akron, Ohio; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold.

It was alleged to be misbranded in that the following statements in the labeling were false and misleading: "Guaranteed for 5 Years * * * For Prevention of Disease."

On January 26, February 13 and 18, and March 10, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30383. Adulteration and misbranding of prophylactics. U. S. v. 38 Gross and 175 Gross of Prophylactics. Default decrees of condemnation and destruction. (F. & D. Nos. 44803, 44836. Sample Nos. 52921-D, 59364-D.)

Samples of this product were found to be defective in that they contained punctures or holes.

On February 9 and 15, 1939, the United States attorneys for the Southern District of New York and the Western District of Tennessee, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 38 gross of prophylactics at New York, N. Y., and 175 gross of prophylactics at Memphis, Tenn.; alleging that the article had been shipped in interstate commerce on or about January 16 and 28, 1939, by Goodyear Rubber Sundries, Inc., from New Haven, Conn.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration was alleged in that the strength of the article fell below the professed standard or quality under which it was sold.

It was alleged to be misbranded in that the following statements in the labeling were false and misleading: "Air Tested * * * For Prevention of Disease."

On March 4 and 25, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30384. Adulteration of prophylactics. U. S. v. 288 Gross of Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 44706. Sample No. 34934-D.)

Samples of this product were found to be defective in that they contained holes.

On January 20, 1939, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 288 gross of prophylactics at Baltimore, Md.; alleging that the article had been shipped in interstate commerce on or about December 15, 1938, by the Mayfair Chemical Corporation from New York, N. Y.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the strength of the article fell below the professed standard or quality under which it was sold.

On February 23, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30385. Adulteration and misbranding of prophylactics. U. S. v. 34 Dozen Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 44568. Sample No. 59415-D.)

Samples of this product were found to be defective in that they contained holes.

On December 27, 1938, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 34 dozen prophylactics at Hartford, Conn.; alleging that the article had been shipped in interstate commerce on or about August 2, 1938, by the Biddle Purchasing Co. from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Three Star Brand Genuine Goldbeaters."

Adulteration was alleged in that the strength of the article fell below the professed standard or quality under which it was sold.

Misbranding was alleged in that the statement on the label, "for prevention of diseases," was false and misleading.

On March 6, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30386. Adulteration and misbranding of prophylactics. U. S. v. 15 Gross of Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 44683. Sample No. 11966-D.)

Samples of this product were found to be defective in that they contained holes.

On December 27, 1938, the United States attorney for the District of Puerto Rico filed in the district court a libel praying seizure and condemnation of 15 gross of prophylactics at San Juan, P. R.; alleging that the article had been shipped in interstate commerce on or about June 11, 1938, by Universal Merchandise Co. from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold.

It was alleged to be misbranded in that the following statements in the labeling were false and misleading: (Carton) "The reliable prophylactic * * * Guaranteed five years * * * to prevent disease."

On February 9, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30387. Adulteration and misbranding of Han-D-Swab. U. S. v. 66 Packages of Han-D-Swab. Default decree of condemnation and destruction. (F. & D. No. 44872. Sample No. 34449-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be contaminated with viable micro-organisms.

On February 18, 1939, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 66 packages of Han-D-Swab at Baltimore, Md.; alleging that the article had been shipped on or about December 7, 1938, and January 13, 1939, by Eagle Druggists Supply Co. from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Sanitary" and "Mothers should sterilize nipples with Han-D-Swab before each nursing," since it would not sterilize them because it was contaminated with viable micro-organisms.

It was alleged to be misbranded in that the statements on the wrapper, "Han-D-Swab * * * Sanitary * * * Mothers should sterilize nipples with Han-D-Swabs before each nursing * * * approved, recommended and used by doctors and nurses as a first aid application for all emergencies * * * Han-D-Swabs are Sanitary," and "Binky's Baby Accessories are approved and used by hospitals, physicians and mothers * * * Play Safe," were false and misleading when applied to an article that was contaminated with viable micro-organisms.

On March 11, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30388. Adulteration and misbranding of quinine sulfate pills. U. S. v. 576 Bottles of Quinine Sulfate Pills. Default decree of condemnation and destruction. (F. & D. No. 44012. Sample No. 26910-D.)

These pills were represented to contain 2 grains of quinine sulfate each, but contained not more than 1.67 grains of quinine sulfate each.

On October 4, 1938, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 576 bottles of quinine sulfate pills at Albany, N. Y.; alleging that the article had been shipped in interstate commerce on or about July 26 and August 15, 1938, by McKesson & Robbins, Inc., from Bridgeport, Conn.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength fell below the professed standard and quality under which it was sold, namely, (bottle) "Pills * * * 2 Grain Quinine Sulphate," and (shipping carton) "Quinine Sulphate Pills 2 Gr.," since it did not contain 2 grains of quinine sulfate per pill but did contain a less amount.

Misbranding was alleged in that the aforesaid statements on the bottle label and shipping carton were false and misleading.

On February 10, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30389. Adulteration and misbranding of prophylactics. U. S. v. 10 Gross of Rubber Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 44483. Sample No. 20571-D.)

Samples of this product were found to be defective in that they contained holes.

On December 7, 1938, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 gross of rubber prophylactics at Tucson, Ariz.; alleging that the article had been shipped in interstate commerce on or about November 5, 1938, by Arrow Rubber Corporation from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration was alleged in that the strength of the article fell below the professed standard or quality under which it was sold.

The article was alleged to be misbranded in that the following statements in the labeling were false and misleading: "Most Perfect Product * * * For prevention of disease * * * Guaranteed 5 years * * * Quality * * * A real protection."

On February 20, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30390. Misbranding of Vitalizing Blood Purifier. U. S. v. 56 Bottles of Dr. Eells' Vitalizing Blood Purifier. Default decree of condemnation and destruction. (F. & D. No. 44662. Sample No. 53321-D.)

The labeling of this product bore false and fraudulent curative or therapeutic claims and also an incorrect declaration of the amount of alcohol present.

On January 10, 1939, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 56 bottles of Dr. Eells' Vitalizing Blood Purifier at Fort Smith, Ark., consigned by Dr. F. Eells & Son Co.; alleging that the article had been shipped in interstate commerce on or about July 11, 1938, from Centerville, Iowa; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of magnesium sulfate, extracts of plant drugs including a laxative drug, sugar, methyl salicylate, oil of sassafras, alcohol (8.85 percent by volume), and water.

The article was alleged to be misbranded in that the statements in the labeling, (carton) "Contains 15% of Alcohol" and (bottle) "Contains 15% Alcohol," were false and misleading since it contained a less amount, namely, not more than 8.85 percent of alcohol by volume. It was alleged to be misbranded further in that the package failed to bear on the label a statement of the quantity or proportion of alcohol contained in the article, since the statements made were incorrect. It was alleged to be misbranded further in that the following statements on the label regarding its curative or therapeutic effects were false and fraudulent: (Bottle and carton) "Vitalizing Blood Purifier * * * Recommended by us in the treatment of Sick Headache * * * Skin Eruptions Indigestion and disorders arising from unhealthy condition of the stomach, Liver and Bowels * * * will produce a Natural evacuation from the bowels."

On March 18, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30391. Adulteration and misbranding of Absorbal refills. U. S. v. 19 Packages of "One Reel Refill Absorbal." Default decree of condemnation and destruction. (F. & D. No. 44828. Sample No. 34379-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found

to be contaminated with viable micro-organisms. It was labeled to indicate that it was sterile.

On February 14, 1939, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 packages of Absorbal refills at Washington, D. C.; alleging that the article had been shipped on or about December 28, 1938, by Edward Girvin from Philadelphia, Pa.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "sterile" since it was not sterile but was contaminated with viable micro-organisms.

It was alleged to be misbranded in that the following statement on the package: "Re Sterilized after Packaging," was false and misleading when applied to an article that was not sterile but was contaminated with viable micro-organisms.

On March 6, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30392. Misbranding of Nomoppin. U. S. v. 34 Bottles, et al., of Nomoppin. Default decree of condemnation and destruction. (F. & D. No. 44761. Sample No. 25196-D.)

The labeling of this product bore false and fraudulent representations regarding its curative and therapeutic effectiveness.

On or about February 3, 1939, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 45 bottles of Nomoppin at Tampa, Fla.; alleging that the article had been shipped in interstate commerce on or about July 15, 1938, by the McMillan Drug Co. from Columbia, S. C.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of arsenous acid (2.0 grams per 100 cc.), a small proportion of potassium carbonate, and water.

The article was alleged to be misbranded in that certain statements on the labeling, regarding its curative and therapeutic effectiveness, falsely and fraudulently represented that it was effective as an internal remedy for chicken sorehead, as a preventative of chicken sorehead, and as a tonic for poultry.

On February 3, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30393. Adulteration and misbranding of gauze bandages. U. S. v. 59 Dozen, 112 Dozen, and 44 Dozen Packages of Gauze Bandages. Default decree of condemnation and destruction. (F. & D. No. 44729. Sample No. 31760-D.)

This product, which had been shipped in interstate commerce and which remained unsold and in the original packages at the time of examination, was found to be contaminated with viable micro-organisms.

On January 26, 1939, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 215 dozen packages of gauze bandages at Erie, Pa.; alleging that the article had been shipped within the period from on or about August 26 to November 23, 1938, by the Deane Sales Co. from Yonkers, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration was alleged in that the purity of the article fell below the professed standard or quality under which it was sold, namely, (carton) "Gauze Bandage Sterilized," since the article was not sterile but was contaminated with viable micro-organisms.

Misbranding was alleged in that the statement on the carton, "Gauze Bandage Sterilized," was false and misleading when applied to an article which was not sterile.

On March 23, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30394. Misbranding of Hy-Lo-Ex. U. S. v. 65 Bottles, et al., of Hy-Lo-Ex. Default decrees of condemnation and destruction. (F. & D. Nos. 44905, 44906. Sample Nos. 48924-D, 48925-D, 48927-D.)

The labeling of this product bore false and fraudulent representations regarding its curative and therapeutic effectiveness.

On February 28, 1939, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 155 various-sized bottles of Hy-Lo-Ex at Providence, R. I.; alleging that the article had been shipped in interstate commerce on or about December 12, 1938, and January 17, 1939, by the Medway Laboratories, Inc., from West Medway, Mass.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of sodium biphosphate, sugar, water, and oil of lemon.

The article was alleged to be misbranded in that certain statements in the labeling regarding its curative and therapeutic effects falsely and fraudulently represented that it was effective in the treatment of coughs from whatever cause, croup, laryngitis, pneumonia, bronchitis, hoarseness, asthma, grippe; effective to assist nature to throw off waste and heal diseased surfaces; effective to expel the offensive matter that has accumulated from a diseased condition of the respiratory organs, and effective in the treatment of chilliness, fever, hoarseness, difficult breathing or shortness of breath, severe cough, clammy sweat, and inability to expectorate.

On March 25, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30395. Adulteration and misbranding of Myraphen Tablets. U. S. v. 104 Packages of Myraphen Tablets. Default decree of condemnation and destruction. (F. & D. No. 44559. Sample No. 26992-D.)

This product was represented to contain 3 grains of acetophenetidin per tablet, whereas it contained not more than 1.9 grains per tablet. Moreover, its labeling bore false and fraudulent representations regarding its curative and therapeutic effectiveness.

On or about December 21, 1938, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 104 packages of Myraphen Tablets at Hamden, Conn.; alleging that the article had been shipped in interstate commerce on or about September 10, 1938, by Plexo Preparations, Inc., from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article contained not more than 1.98 grains of acetophenetidin per tablet.

Adulteration was alleged in that the strength of the article fell below the proposed standard and quality under which it was sold, namely, "Each Tablet contains 3 grs. Acetphenetidine"; whereas each tablet contained a less amount.

Misbranding was alleged in that the statement "Each tablet contains 3 grs. Acetphenetidine" was false and misleading. Misbranding was alleged further in that the package label failed to bear a statement of the quantity or proportion of acetophenetidin contained in the article, since the statement made was incorrect; and further the label failed to state that acetophenetidin is a derivative of acetanilid. The article was alleged to be misbranded further in that the following statements in the labeling regarding its curative or therapeutic effects were false and fraudulent: (Box) "For the Relief of Headaches, Toothache, Neuralgia, Neuritis, Periodic Pain When due to exposure or causes other than organic"; (circular) "Myraphen contains * * * special ingredients * * * an aid in relieving the discomforts of simple pains and aches, such as Headache, Neuralgia, Neuritis, Muscular Aches and Pains, * * * Toothache generally submits to the prompt influence of Myraphen. Myraphen is excellent as an aid in relieving the discomforts of Functional Pains during the menstrual periods. * * * its action is quick and forceful."

On March 6, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30396. Misbranding of Must-a-rub and Syrup White Pine and Tar. U. S. v. Clarence E. Worthen (American Proprietary Syndicate and American Drug Sales Co.). Plea of guilty. Sentence suspended and defendant placed on probation for 1 year. (F. & D. No. 42522. Sample Nos. 878-D, 908-D.)

The labeling of these products bore false and fraudulent curative and therapeutic claims and that of the Syrup White Pine and Tar bore false and misleading representations regarding its alcohol content.

On June 28, 1938, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Clarence E. Worthen, trustee in a declaration of trust for the American Proprietary Syndicate and trading as the American Drug Sales Co. at Malden, Mass.; alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about December 3 and December 11, 1937, from the State of Massachusetts into the State of Maine, of quantities of Must-a-rub and Syrup White Pine and Tar, which were misbranded. The Must-a-rub was labeled in part: "Prepared only by the New England Laboratory Company."

Analyses showed that the Must-a-rub was an ointment consisting of petrolatum, paraffin, a trace of an iodine compound, and essential oils including oil of mustard, methyl salicylate, and camphor; and that the Syrup White Pine and Tar consisted of sugar, glycerin, alcohol, water, chloroform, tar, and vegetable extractives including wild cherry.

The articles were alleged to be misbranded in that certain statements in the labeling regarding their curative and therapeutic effects falsely and fraudulently represented that Must-a-rub was effective in the treatment of throat and chest troubles, rheumatism, croup and whooping cough, bronchitis, colds in the chest, pleurisy, lame back, sciatica, rheumatic and neuralgic pains, and other conditions; and that the Syrup White Pine and Tar was effective in the treatment and relief of pulmonary affections, subacute or chronic coughs, bronchitis, hoarseness, and other inflamed conditions of the air passages. The Syrup White Pine and Tar was alleged to be misbranded further in that the statement on the label, "Alcohol 9 per cent," was false and misleading since it represented that the article contained 9 percent of alcohol; whereas it contained a considerably less quantity of alcohol than 9 percent.

On February 21, 1939, the defendant entered a plea of guilty, and the court suspended imposition of sentence and placed the defendant on probation for a period of 1 year.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30397. Adulteration and misbranding of Caulk Absorbent Points and Caulk Absorbent Cotton Rolls. U. S. v. 21 Packages of Caulk Absorbent Points (and 1 similar seizure action). Default decrees of condemnation and destruction. (F. & D. Nos. 44802, 44954, 44955. Sample Nos. 41832-D, 41833-D, 42475-D.)

These products, which had been shipped in interstate commerce and which remained unsold and in the original packages at the time of examination, were found to be contaminated with viable micro-organisms.

On February 8 and March 4, 1939, the United States attorneys for the Western District of Pennsylvania and the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 21 packages of absorbent points at Pittsburgh, Pa., and 35 boxes of absorbent cotton rolls at Philadelphia, Pa.; alleging that the articles had been shipped on or about December 12, 1938, and February 1, 1939, by the L. D. Caulk Co. from Milford, Del.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration was alleged in that the purity of the articles fell below the professed standard or quality under which they were sold, namely, (points) "Sterilized," (cotton rolls) "Absorbent Cotton Rolls * * * Sterilized * * * The goods in this container have been sterilized after packaging;" (ribbon tied around package) "Dental Absorbents—Sterilized," since they were not sterile but were contaminated with viable micro-organisms.

Misbranding was alleged in that the following statements appearing in the labeling were false and misleading when applied to articles that were not sterile: (Points, carton containing Sterilometer inclosed with points) "Sterility of content of package assumed"; (package containing points and Sterilometer) "Modern Root Canal Technique requires a Sterile Absorbent, not contaminated in any way. Caulk Absorbent Points are rendered sterile in the

package after closing and reach you in this condition * * * Sterilized * * *

The sterility of contents of this package is assured by the sterilometer contained therein. This instrument is used in standard hospital practice to assure sterility of surgical dressings. Caulk has adapted it for absorbent points so that the dentist may have assurance of the sterility of each individual package. The sterilometer is placed in the package before sterilizing. When sterilization is accomplished the sensitized indicator of the sterilometer turns black, as will be noted when the inclosed sterilometer is examined"; (rolls, carton) "Absorbent cotton rolls Sterilized * * * The goods in this container have been sterilized after packaging * * * Method of sterilization—Exposure in an autoclave to live steam under 15 pounds pressure for a sufficient period of time to assure sterility," (circular) "The material in this container has been scientifically sterilized After Final Packaging in the sealed units in which it is inclosed. The method of sterilization used is accepted hospital practice, consisting of exposure to live steam in the autoclave at 15 pounds pressure (260 deg. F.) for an adequate period to assure sterility. * * * Bacteriological tests are made regularly to substantiate the adequacy of the sterilization process. Only this standard hospital sterilization produces absorbents suitable for use in the mouth. As a result of this thorough sterilization by steam under pressure * * * [picture of an autoclave] This is a Caulk autoclave where all Caulk dental cotton absorbents are sterilized by live steam After Final Packaging," (ribbon) "Dental Absorbent—Sterilized."

On March 24 and 28, 1939, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30398. Adulteration and misbranding of ether. U. S. v. 479 Cans of Ether for Anesthesia. Default decree of condemnation and destruction. (F. & D. No. 44529. Sample Nos. 36022-D, 36030-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to contain peroxide in 4 of the 20 cases examined.

On December 14, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 479 cans of ether at San Francisco, Calif.; alleging that the article had been shipped on or about September 3, 1937, by Mallinckrodt Chemical Works from St. Louis, Mo.; and charging adulteration and misbranding in violation of the Foods and Drugs Act.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and it differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia and its own standard of strength, quality, and purity was not stated on the label.

It was alleged to be misbranded in that the statements on the label, "Ether For Anesthesia * * * Fully Conforms to all requirements of the U. S. P. XI," were false and misleading since it did not fully conform to all requirements of the United States Pharmacopoeia XI in that it contained peroxide.

On March 8, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30399. Misbranding of Prunitone Liver Pills, Bloodine, and Cre-O-Tol. U. S. v. Clarence E. Worthen (American Proprietary Syndicate and American Drug Sales Co.). Plea of guilty. Sentence suspended and defendant placed on probation for 1 year. (F. & D. No. 40806. Sample Nos. 54778-C, 54780-C, 54781-C.)

The labeling of these products bore false and fraudulent curative and therapeutic claims and other misrepresentations.

On May 3, 1938, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Clarence E. Worthen, trustee in a declaration of trust for the American Proprietary Syndicate and trading as the American Drug Sales Co. at Malden, Mass., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about July 29, 1937, from the State of Massachusetts into the State of Maine, of quantities of the above-described drugs, which were misbranded. The articles were labeled in part variously: (Prunitone Liver Pills) "Prunitone Laboratories Boston Mass.,"; (Bloodine)

"Sold Only By Bloodine Co. Boston, Mass."; (Cre-O-Tol) "Sold by American Proprietary Co., Inc., Malden, Mass."

Analyses showed that the Prunitone Pills consisted of small, pink, sugar-coated pills containing aloes, podophyllum, phenolphthalein, strychnine, and brucine; that the Bloodine consisted essentially of a small proportion of tartaric acid, a trace of an antimony compound, alcohol (22.1 percent by volume), sugar, and water colored with a red dye; and that the Cre-O-Tol consisted of soap, water, coal-tar neutral oils, and phenols. Bacteriological examination showed that the Cre-O-Tol was not an antiseptic at a dilution of 1 teaspoonful to a quart of water.

The Prunitone Pills were alleged to be misbranded in that certain statements in the labeling regarding their curative and therapeutic effects falsely and fraudulently represented that they were effective to cleanse the system and purify the blood; effective in the treatment of torpid liver, dizziness, sick headache, and all diseases of the stomach, liver, and bowels; effective in the treatment of liver and bowel troubles, bad taste in the mouth, dyspepsia, indigestion, tired feeling and nervousness; effective in the treatment of liver ills; and effective to act gently yet thoroughly upon the liver and digestive organs. They were alleged to be misbranded further in that the name "Prunitone," borne on the carton and bottle labels, together with the design of a cluster of prunes on the carton were false and misleading since they represented that the therapeutic activity of the article was due to prunes or derivatives of prunes; whereas its therapeutic activity was due to other substances, namely, aloes, podophyllum, and phenolphthalein.

The Bloodine was alleged to be misbranded in that certain statements in the label regarding its curative and therapeutic effects falsely and fraudulently represented that it was effective as a tonic for the blood. It was alleged to be misbranded further in that the statement "Not Over 45% Alcohol," borne on the bottle label, was false and misleading in that the said statement represented that the article contained substantially 45 percent of alcohol; whereas it contained much less than represented, namely, approximately 22.5 percent of alcohol. It was alleged to be misbranded further in that it contained alcohol and its package failed to bear on its label a statement of the quantity or proportion of alcohol contained therein.

The Cre-O-Tol was alleged to be misbranded in that certain statements in the labeling regarding its curative and therapeutic effects, falsely and fraudulently represented that it was effective as a treatment for aching feet and to reduce swellings quickly and to relieve soreness; effective as a treatment for cuts, burns, and wounds, and to relieve pain, to prevent infection, and to quicken healing; effective as a gargle for sore throat and as a treatment for diseased gums; and effective as a douche and to reduce inflammation. It was alleged to be misbranded further in that the statement "Antiseptic and Disinfectant," borne on the bottle label, was false and misleading since it represented that the article was an antiseptic and disinfectant in the dilutions recommended for use on the body; whereas it was not an antiseptic and disinfectant in the dilutions recommended for use on the body.

The information charged that the Cre-O-Tol was misbranded further in violation of the Insecticide Act of 1910, as reported in notice of judgment No. 1666 published under that act.

On February 21, 1939, the defendant having entered a plea of guilty, the court suspended imposition of sentence and placed the defendant on probation for 1 year.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30400. Adulteration and misbranding of cotton swab applicators. U. S. v. 31 Boxes of E-Z Sanitary Cotton Swab Applicators. Default decree of condemnation and destruction. (F. & D. No. 44477. Sample No. 26469-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be contaminated with viable micro-organisms. It was labeled to indicate that it contained a substantial amount of boric acid or other borate, but contained but a trace of such borate.

On or about December 6, 1938, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 31 boxes of the

above-named product at Hartford, Conn.; alleging that the article had been shipped in interstate commerce on or about August 18, 1938, by Steckler Sales Co. from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled: "E-Z Products, New York, N. Y."

Adulteration was alleged in that the strength and purity of the article fell below the professed standard and quality under which it was sold, namely, (carton) "absorbent cotton sterilized," "dipped in boric acid," "sanitary cotton swab applicators," (label) "sanitary swab," "boric acid dipped," since the article was not sterile but was contaminated and contained but an inconsequential trace of boric acid or other borate.

Misbranding was alleged in that the statements in the labeling, (carton) "absorbent cotton sterilized," "dipped in boric acid," "sanitary cotton swab applicators," "recommended by doctors and nurses," (label) "sanitary swab," "boric acid dipped," "recommended by physicians," "a household necessity for infants, children, or adults," and the designs borne on the label depicting application of the article to the lips of an infant and that borne on the carton depicting a nurse and a physician using the article in the mouth of a child were false and misleading when applied to an article which was not sterile and contained but an inconsequential trace of boric acid. It was alleged to be misbranded further in that the statement "a household necessity for infants, children, or adults" and the designs aforesaid were false and fraudulent in that they created the impression that the article might be safely used for infants, children, or adults, and that it was safe and appropriate for such uses; whereas it could be so used only by incurring danger, and was not safe and appropriate because it was not sterile.

On March 6, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

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Absorbent refills. <i>See</i> Surgical dressings, cotton.	N. J. No.	Pine, white, and tar syrup—Con.	N. J. No.
Bloodine:		American Proprietary Syndicate	30396
American Drug Sales Co.	30399	Worthen, C. E.	30396
American Proprietary Syndicate	30399	Prophylactics:	
Bloodine Co.	30399	Akron Drug & Sundries Co.	30380
Worthen, C. E.	30399	Arrow Rubber Corporation	30389
Caulk Absorbent Cotton Rolls. <i>See</i> Surgical dressings, cotton.		Biddle Purchasing Co.	30385
Absorbent Points. <i>See</i> Surgical dressings, cotton.		Goodyear Rubber Sundries, Inc.	30383
Cotton, absorbent. <i>See</i> Surgical dressings, cotton.		Gotham Sales Co., Inc.	30381
Cre-O-Tol:		Killashun Sales Division	30382
American Drug Sales Co.	30399	Mayfair Chemical Corporation	30378, 30384
American Proprietary Syndicate	30399	Olympia Laboratory	30379
Worthen, C. E.	30399	Universal Merchandise Co.	30381, 30386
Eells', Dr., Vitalizing Blood Purifier:		Vining, A. G.	30377
Eells, Dr. F., & Son Co.	30390	Prunitone Liver Pills:	
Ether:		American Drug Sales Co.	30399
Mallinckrodt Chemical Works	30398	American Proprietary Syndicate	30399
Gauze bandages. <i>See</i> Surgical dressings.		Prunitone Laboratories	30399
Han-D-Swab. <i>See</i> Surgical dressings, cotton.		Worthen, C. E.	30399
Hy-Lo-Ex:		Quinine sulfate pills:	
Medway Laboratories, Inc.	30394	McKesson & Robbins, Inc.	30388
Must-a-rub:		Surgical dressings—	
American Drug Sales Co.	30396	cotton, absorbent:	
American Proprietary Syndicate	30396	Absorbent refills:	
New England Laboratory	30396	Girvin, Edward	30391
Worthen, C. E.	30396	Caulk Absorbent Cotton Rolls:	
Myraphen Tablets:		Caulk Absorbent Points:	
Plexo Preparations, Inc.	30395	Caulk, L. D., Co.	30397
Nomoppin. <i>See</i> Veterinary remedy.		Han-D-Swab:	
Pine, white, and tar syrup:		Eagle Druggists Supply Co.	30387
American Drug Sales Co.	30396	swabs:	
		F-Z Products	30400
		Steckler Sales Co.	30400
		gauze bandages:	
		Deane Sales Co.	30393
		Kearny Wholesale Drug Co.	30376
		Veterinary remedy—	
		Nomoppin:	
		McMillan Drug Co.	30392

